

TO NBC: NOT TO SAY, 'WE TOLD YOU SO' BUT... The Grade, by Alexander Russo, offers up a great article over the irresponsibly story alleging charter schools are creating "white flight" from traditional public schools. The contention is absurd, and we said so, but the Grade goes even further. A very brief synopsis of its critique: *"...unfortunately, the [NBC/Hechinger] piece fails badly at its larger attempt, which is to assert that this kind of charter school is a significant problem nationally. Despite all efforts to make it seem otherwise, the data presented in the story do not support the claim that segregated white charters are a big problem."* Read the full article here.

COMPETITION. Pennsylvania's Bensalem school district hired a consultant to tell them why so many families were choosing charter schools over district schools. The consultant's explanation: with charter schools as an option for families, districts must compete for students, which means they have to improve in areas where they are lacking – be that in performance or programs or in working with parents. "Of course," the article concludes correctly, "competition is what the charter school law was supposed to produce — because competition drives excellence." = 2

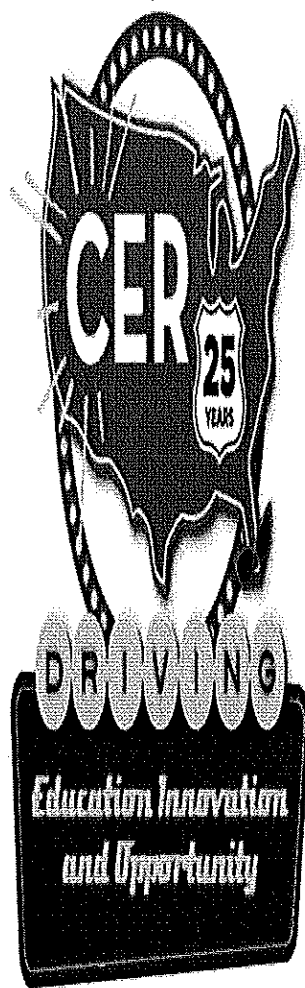
THE ROAD TO INNOVATION IS PAVED WITH SILVER... This week we are pleased to announce the addition of Arizona State University as a partner in CER's Silver Anniversary Summit. We're grateful for the pathbreaking leadership of ASU and it's visionary president Michael Crow in their myriad endeavors. Start your engines and make your way to Miami on October 26th! Registration opens this week!



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20004**

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From: Public Policy Law360
Sent: Thursday, July 12, 2018 4:40 AM
To: Rep48
Subject: Kennedy's Legacy Remains Alive In Kavanaugh's Nomination



Thursday, July 12, 2018



SUPREME COURT NOMINATION

Feature

Kennedy's Legacy Remains Alive In Kavanaugh's Nomination

Over his four decades on the federal bench, there was one clerk U.S. Supreme Court Justice Anthony Kennedy always praised effusively. Now, that clerk could be replacing the retiring justice on the high court. Read more »

Feature

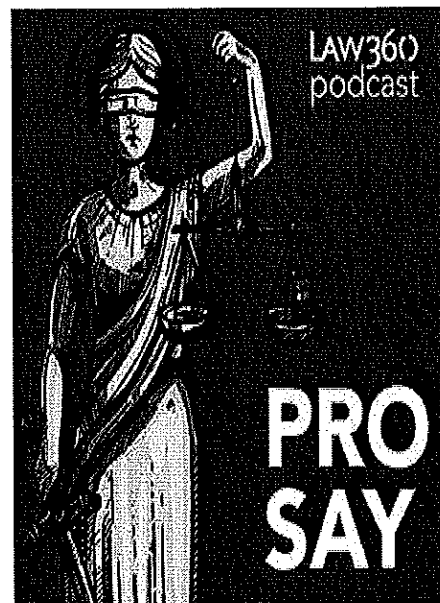
4 Kavanaugh Arguments You Gotta Hear

President Donald Trump's nomination of D.C. Circuit Judge Brett Kavanaugh to a seat on the U.S. Supreme Court has sent everyone scrambling to read what the jurist has written, but how about what he's said? Here, Law360 presents an interactive audio tour of four key Judge Kavanaugh arguments. Read more »

Feature

What Civil Rights Rulings Could Look Like Under Kavanaugh

U.S. Supreme Court nominee Brett Kavanaugh's record on immigration, employee rights and health care suggests he could side more closely with high court conservatives than civil rights advocates would like, paving



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Faegre Baker

the way for closely watched rulings on some of the nation's most controversial issues. Read more »

Senate Panel Gearing Up For Kavanaugh Vetting Fight

The Senate Judiciary Committee has already begun what will be a lot of heavy lifting to get ready for a confirmation hearing on U.S. Supreme Court nominee Brett Kavanaugh, which could come before September, by staffing up and preparing to review hundreds of thousands of documents. Read more »

Kavanaugh Splurged On Baseball Tix, Reports Say

D.C. Circuit Judge Brett Kavanaugh racked up steep credit card debt in 2016 to pay for Washington Nationals tickets, according to Wednesday news reports and disclosures by the U.S. Supreme Court nominee that also show he coaches kids' basketball and contributed to a law book without pay. Read more »

Analysis

Kavanaugh's Transportation Rulings Favor Limited Deference

In the various transportation industry challenges he's considered over the years, D.C. Circuit Judge Brett Kavanaugh has made clear his distaste for granting broad deference to federal agencies, making clear he expects regulators to carefully justify their decision- and rule-making processes. Read more »

TOP NEWS

Senate Confirms Kirkland Atty As DOJ Criminal Division Head

The U.S. Senate voted on Wednesday 51-48 to confirm Brian Benczkowski's nomination as head of the Department of Justice's criminal division, despite Democratic senators' concerns about his work at Kirkland & Ellis LLP

Gibson Dunn
Greenberg Traurig
Gupta Wessler
Herbert Smith Freehills
Hogan Lovells
Hoguet Newman
Holland & Knight
King & Spalding
Kirkland & Ellis
Latham & Watkins
LeClairRyan
Milbank Tweed
Morrison & Foerster
O'Melveny & Myers
Paul Hastings
Quarles & Brady
Reed Smith
Saul Ewing
Shapiro Arato
Sidley Austin
Snell & Wilmer
Stinson Leonard
Sullivan & Worcester
Vinson & Elkins
Yetter Coleman

COMPANIES

Allergan PLC
Alliance of Automobile Manufacturers
American Bar Association
American Center for Law and Justice
American Civil Liberties Union
American Enterprise Institute
American Federation of Government Employees
American Federation of State, County and Municipal Employees
Association of Corporate Counsel

for a Russian bank and lack of experience in public criminal cases. [Read more »](#)

9th Circ. Pick Treads Fine Line On Environmental Stance

Ryan D. Nelson, the third person nominated by President Donald Trump for a Ninth Circuit seat, acknowledged humans played a role in climate change but said during testimony at a Senate Judiciary Committee hearing Wednesday that he believed courts must adhere to the letter of the law when interpreting often old or ambiguous environmental statutes. [Read more »](#)

Analysis

Pipelines Come Out On Top With Nixing Of FERC Bias Claim

The D.C. Circuit endorsed the status quo at the Federal Energy Regulatory Commission when it rejected arguments the agency's process favored industry groups at the expense of the environment, a decision that experts say preserves obstacles for groups that challenge pipeline projects. [Read more »](#)

New EPA Chief Signals Change In Tone But Not Substance

The new, acting head of the U.S. Environmental Protection Agency on Wednesday extended an olive branch to staffers and journalists — many of whom tangled with Scott Pruitt, the scandal-plagued former leader of the EPA — and indicated he will continue to carry out the Trump administration's deregulatory agenda. [Read more »](#)

IRS Finalizes Anti-Inversion Regs That Sank \$160B Pfizer Deal

The Internal Revenue Service implemented regulations Wednesday that a federal court had invalidated last October after they sank a planned \$160 billion merger between Pfizer Inc. and Allergan PLC of Ireland. [Read more »](#)

BANKING & SECURITIES

Baltimore Orioles
Bank of America Corporation
Bayer AG
Bristol-Myers Squibb Co.
Center for Biological Diversity Inc.
Delaware Riverkeeper Network
Environmental Defense Fund Inc.
Epic Systems Corp.
Federalist Society
Federation for American Immigration Reform
Global Automakers
Google Inc.
Greater Boston Chamber of Commerce
International Brotherhood of Teamsters
Internet Brands, Inc.
Kirkland's, Inc.
Lambda Legal Defense & Educational Fund
LegalZoom.com Inc.
Los Angeles Dodgers
Macquarie Group Ltd.
Melaleuca Inc.
Murray Energy Corp.
NBCUniversal Inc.
National Conference of State Legislatures
National Education Association
National Federation of Independent Business
National Parks Conservation Association
National Right to Work Legal Defense Foundation
Natural Resources Defense Council
New York City Bar Association
New York University

House Passes Bill To Allow Venture Exchanges

The U.S. House of Representatives on Tuesday passed two bills aimed at improving capital formation for smaller companies, one of which would allow for the creation of venture exchanges and another that aims to improve research coverage for lesser-known companies. [Read more »](#)

ENERGY & ENVIRONMENTAL

EPA Says Challenge To Fuel Economy Rollback Too Early

The U.S. Environmental Protection Agency on Tuesday urged the D.C. Circuit to toss a challenge to its decision to revisit greenhouse gas emissions standards established by the Obama administration for 2022-2025 model cars and light trucks, arguing that the suits were premature. [Read more »](#)

House Passes Fisheries Act Update Opposed By Enviro

The U.S. House of Representatives on Wednesday voted to renew a decades-old law designed to protect and replenish the nation's fish stocks, along with several amendments that Democrats and environmentalists said would weaken the statute. [Read more »](#)

Enviros Press EPA On Heavy-Duty Truck Emissions Standards

A trio of environmental groups pushed the U.S. Environmental Protection Agency on Tuesday to revoke its recent decision to cease enforcing Obama-era greenhouse gas emissions standards for certain heavy-duty trucks outfitted with engines from older trucks, standards the agency plans to repeal. [Read more »](#)

HEALTH & LIFE SCIENCES

Northern Mariana Islands Retirement Fund
Nuclear Energy Institute
Owner-Operator Independent Drivers Association Inc.
PHH Corporation
Pfizer Inc.
Service Employees International Union
Sierra Club
Southern Environmental Law Center
The Royal Bank of Scotland Group PLC
Tix Corporation
Twitter Inc.
U.S. Chamber of Commerce
United Food & Commercial Workers Int'l Union
University of Mississippi Medical Center
Verizon Communications Inc.
Washington Nationals
Washington Post Co.
Wayfair LLC
Xcel Energy Inc
ZTE Corp.

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services
Bureau of Indian Affairs
Bureau of Industry and Security
Bureau of Land Management
Consumer Financial Protection Bureau
Department of Commerce
Drug Enforcement Administration
Equal Employment Opportunity Commission
European Commission

DEA Finalizes Prescription Opioid Anti-Diversion Policy

The U.S. Drug Enforcement Administration finalized plans Wednesday to scrutinize diversion of prescription opioids for illicit uses when setting limits on opioid production, shooting down industry objections about potential shortages and methods of assessing diversion. [Read more »](#)

EMPLOYMENT

Paid Family Leave Cheered But Proposals Diverge At Hearing

Republicans and Democrats cheered the idea of creating a paid family leave program in the U.S., the only industrialized country that does not guarantee new mothers paid time off, but disagreed on how to do it during a Senate Finance Committee meeting on Wednesday. [Read more »](#)

CONSUMER PROTECTION

Trump Retools Fraud Task Force To Focus On Consumers

The Trump administration disbanded an Obama-era financial fraud task force on Wednesday, replacing it with another multiagency group led by the U.S. Department of Justice that targets a broader range of economic crimes — especially fraud on consumers and the government. [Read more »](#)

INTERNATIONAL TRADE

WTO China Review Turns Ugly As More US Tariffs Loom

A World Trade Organization review of China's trade regime gave way to a contentious scrap in Geneva on Wednesday as the Asian giant swapped blows with the United States over the Trump administration's decision a day earlier to target \$200 billion worth of Chinese exports with additional duties. [Read more »](#)

European Union
Federal Aviation Administration
Federal Communications Commission
Federal Energy Regulatory Commission
Federal Motor Carrier Safety Administration
Federal Trade Commission
Interior Board of Indian Appeals
Internal Revenue Service
Massachusetts Department of Revenue
Massachusetts Supreme Judicial Court
National Highway Traffic Safety Administration
National Labor Relations Board
Navajo Nation
New Jersey Legislature
New York State Department of Financial Services
New York State Senate
Office of National Drug Control Policy
Office of the U.S. Trade Representative
Securities and Exchange Commission
Surface Transportation Board
U.S. Attorney's Office
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Transportation
U.S. Department of the Interior
U.S. Environmental Protection Agency

ZTE Takes Step Toward Lifting US Export Restrictions

ZTE Corp. has inked a deal with the U.S. Department of Commerce that has it depositing \$400 million in an escrow account to lift a denial order that's blocking its access to the U.S. supply chain, the government said Wednesday. [Read more »](#)

Senate Pushes Back Against Trump's Security-Based Tariffs

The U.S. Senate took a preliminary step to counter the Trump administration's use of a Cold War-era law to impose sweeping tariffs Wednesday, fueling a long-running legislative push to reinstate congressional authority over trade policy. [Read more »](#)

Nonprofit Can't Access EU Investment Arbitration Docs

A European Union court on Wednesday shut down an effort by an environmental law nonprofit to force the European Commission to release documents relating to the compatibility of investment arbitration and the investment court system with EU law, agreeing with the commission that doing so could weaken its negotiating position. [Read more »](#)

TAX

NH Council OKs Special Session To Counter Wayfair Ruling

New Hampshire lawmakers can attempt to make life difficult for other states seeking to impose sales and use tax on remote transactions from in-state businesses, after the governor's request for a special legislative session to combat the U.S. Supreme Court's Wayfair ruling was approved Wednesday. [Read more »](#)

BANKRUPTCY

PREPA Chief Resigns Amid Restructuring, Privatization Push

U.S. House Committee on Energy and Commerce

U.S. House of Representatives

U.S. Immigration and Customs Enforcement

U.S. Senate

U.S. Supreme Court

World Trade Organization

The head of Puerto Rico's public electric utility has resigned just months after being installed to lead the company's privatization push as it struggles to restructure more than \$9 billion in debt and improve an unstable electric grid. [Read more »](#)

IMMIGRATION

Immigrant Kids On Track For Family Reunification, US Says

More than half of the children recently separated from a parent at the border who have been identified as covered under a class action, and who are eligible to be promptly reunited, were expected to be back with a guardian by a court-imposed deadline, the Trump administration told a California federal court Tuesday. [Read more »](#)

Bill Roundup: Improper Entry, TPS, Family Reunification

House lawmakers introduced several bills Tuesday that would increase the minimum prison sentence for improper entry to the U.S., extend temporary protected status designation for certain countries and require the reunification of immigrant families. Here, Law360 delves into their proposals. [Read more »](#)

NATIVE AMERICAN

House Panel Pushes Forward Little Shell Recognition Bill

The House Committee on Natural Resources on Wednesday easily passed a proposed bill that would give the Little Shell Tribe of Chippewa Indians of Montana federal recognition and a land base. [Read more »](#)

Feds Defer Gas Leasing Of Colo. Land To Consult With Tribe

The federal government has decided to defer the leasing of almost a dozen parcels of land for possible oil and gas development in

Huerfano County, Colorado, in order to consult with the Navajo Nation first, a U.S. Bureau of Land Management representative said Wednesday. [Read more »](#)

TELECOMMUNICATIONS

FCC Needs More Info Before Gutting Kids' TV, Sens. Warn

Sens. Ed Markey and Richard Blumenthal warned Wednesday that the Federal Communications Commission is taking a step toward rolling back rules governing children's educational TV programming without adequately sussing the impact of such a change on young minds and low-income households. [Read more »](#)

Dems Say Proposed FCC Rule A Disservice To Consumers

Two leading House Democrats on Tuesday urged Federal Communications Commission Chairman Ajit Pai to reconsider a proposed revision to the agency's rules they say would make it more difficult for consumers to get help with complaints against communications companies. [Read more »](#)

FCC Must Probe Carriers' Sharing Of User Data, Panel Hears

The Federal Communications Commission must further probe the sharing of sensitive customer information collected by telecom providers and passed on to third parties without clear procedures for obtaining the users' consent, a House subcommittee on technology heard Wednesday. [Read more »](#)

FCC Announces \$100M Telehealth Pilot Program

The Federal Communications Commission announced Wednesday it plans to launch a telehealth program aimed at improving health outcomes in rural areas and backed by \$100

million in funding from the Universal Service Fund. [Read more »](#)

WHITE COLLAR

Ex-NY Senate Head Denies Extortion In Final Plea To Jury

An attorney for former New York State Senate Majority Leader Dean Skelos on Wednesday made his final pitch to jurors in the corruption retrial accusing the Long Island Republican and his son of leveraging political power to extort companies, saying there's no crime in the senator asking for assistance for his son. [Read more »](#)

EXPERT ANALYSIS

Series

High Crimes And Misdemeanors: Making Political Judgments

Presidential impeachment exists not so that one party can decapitate the other, but to preserve the foundation of our democracy. For an impeachment to be legitimate, it must be a fair process in which Congress speaks for a majority of the American people in undoing an election, say Laurence Tribe of Harvard Law School and Joshua Matz of Gupta Wessler PLLC. [Read more »](#)

The Rise And Fall Of The Millionaire Tax In Massachusetts

In a June 20, 2018, decision the Massachusetts Supreme Judicial Court ended a three-year effort to amend the Massachusetts Constitution and impose an additional tax on individuals with income exceeding \$1 million, David Nagle and Joseph Donovan of Sullivan & Worcester LLP analyze the history of the litigation, the decision and its implications. [Read more »](#)

All Unions Likely To Feel The Impact Of Janus V. AFSCME

While the high court's decision in *Janus v. AFSCME* issued a direct and devastating hit to public-sector unions, its effects are likely to be far reaching. Unions representing both private- and public-sector employees, as well as union funding of political causes, will feel the blow, say Joseph Gross and Adam Primm of Benesch Friedlander Coplan & Aronoff. [Read more »](#)

#MeToo's Impact On Sexual Harassment Law Just Beginning

The myriad sexual harassment laws proposed and passed this year show that legislatures are swiftly responding to the #MeToo movement. All employers should keep abreast of developments nationwide, because another state's laws may be coming soon to a legislature near you, says Susan Sholinsky of Epstein Becker & Green PC. [Read more »](#)

LEGAL INDUSTRY

Global 20: Herbert Smith Freehills

Herbert Smith Freehills used its global reach to help clients connected to the investigation into Russia's interference in the 2016 presidential election and to defend RBS in a high-profile action brought by thousands of investors over its £12 billion rights issue, landing the firm on Law360's Global 20 list. [Read more »](#)

Female GCs Earn 78 Cents For Every Dollar Male GCs Collect

The median total pay for female general counsel is \$210,000, compared with the \$270,000 median total compensation that men earn at the same level, according to a report released Wednesday. [Read more »](#)

Ways In-House Counsel Can Foster A Positive Co. Culture

Part of the role of in-house counsel amid the #MeToo movement is to effect change at their organizations and proactively try to create an environment in which employees are more

sensitive, panelists at a New York City Bar Association event said Tuesday. They shared three other tips for how business lawyers can build a culture of respect. [Read more »](#)

NY Boutique Duval & Stachenfeld Hikes Associate Pay

Announcements of associate salary bumps continued apace as Manhattan-based real estate boutique Duval & Stachenfeld LLP informed its staff on Tuesday that it will increase base salaries, effective from the beginning of July, to adhere to the new market scale, at least for younger attorneys. [Read more »](#)

Analysis

Avvo's End Spells Opportunity For Other 'Disrupter' Legal Cos.

Avvo Legal Services may have succumbed to regulators troubled by a business model offering a menu of legal work for fixed fees, but that might only add wind to the sails of other legal industry "disrupters" focused on low-cost services. [Read more »](#)

Kirkland Gets OK To Rejoin Law School Suit Against ABA

A day after being shown the door in an Arizona federal court case challenging the American Bar Association law school accreditation process, a Kirkland & Ellis LLP team was welcomed back on Tuesday. [Read more »](#)

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From: reply@wearemainst.com
Sent: Tuesday, March 15, 2016 12:00 PM
To: Rep48
Subject: Small Businesses Need Your Help

Dear Representative Schuring,

I am writing on behalf of the We Are Main Street, a project of the Service Employees International Union (SEIU), to ask you to consider strengthening protections for thousands of small business franchise owners in OH. After SEIU stood with franchisees for strengthened protections in California, we undertook a nationwide review of franchisee rights laws and found that **many states do not give needed safeguards** to these small business people.

See how your state protects franchise owners here:

www.wearemainst.com/map.

Franchised establishments are a key generator of economic growth nationally. They account for nearly 11 percent of businesses with employees, employ more than 9 million people and are adding jobs at twice the rate of other small enterprises. In OH, franchised businesses provide 382,000 jobs.

However, franchising can be a risky business and is characterized by a profound imbalance of power that favors the franchisor—often large, multinational companies—over small business franchise owners. The often one-sided, unfair franchising contracts create an uneven playing field for job creators in your state and nationally, meaning:

- A majority of franchisees **experience termination or nonrenewal threats**, according to a recent national survey of franchisees. Such threats are a powerful intimidation tactic given that franchise agreements typically

give franchisors the power to terminate a franchise for any violation of operations, however minor, and to refuse to renew for any reason or no reason at all.

- Most have had their franchisors require changes that **increase costs but do not increase sales**, according to the same poll of franchisees.
- In the last five years reviewed, nearly **one in five Small Business Administration loans to franchisees failed**, according to a 2015 study.

In 2015, California enacted a law that provides some of the strongest franchisee protections in the country. The California bill has provisions essential to making franchising fairer:

- **Barring franchisors from** terminating a franchisee unless the franchisee has failed to substantially comply with the requirements of the franchise agreement.
- **Protecting franchisees' ability to pass their business on** to their heirs or sell it to qualified buyers.
- **Requiring franchisors to provide compensation** to franchisees who are terminated or not renewed.

These changes would benefit franchisees in every state. They would protect local small business people against franchisor abuse, giving franchisees the opportunity to grow profitable businesses, achieve financial security and pass some of their gains to their workers in the form of higher wages and benefits.

We would be happy to talk with you about why franchise reform is needed and provide additional information regarding legislative efforts. Please contact us at reply@wearemainst.com or visit our franchisee news and resource website at www.wearemainst.com.

Sincerely,
Joan Moriarty
Director, We Are Main Street



We Are Main Street is a campaign dedicated to making the franchise system fairer for the small-business people behind some America's most recognizable brands, as well as the men and women they employ.

We Are Main Street is a project of the 2 million-member Service Employees International Union, a leading advocacy organization for working people.

Sent via ActionNetwork.org. To update your email address or to stop receiving emails from We Are Main Street, please [click here](#).

From: Gongwer News Service
Sent: Monday, April 25, 2016 6:18 PM
To: Rep48
Subject: Ohio Report, Monday, April 25, 2016
Attachments: Apr25.htm; Apr25House.htm; Apr25Senate.htm;
160425dayplan.htm



Ohio Report for Monday, April 25, 2016

House Education Panel To Examine Value-Added Report Card Measure

Bill To Extend Energy Freeze Introduced In Senate

Democrats Urge Feds To Reject Proposed 'Healthy Ohio' Medicaid Waiver

Gentile Heads Into Fall Election Cycle With Fundraising Lead Over Opponent; GOP Caucus Leaders Hold Huge Cash Advantage; DeWine Leads In High Court Funding

State Tax Credits Aimed At Creating, Keeping Total Of 1,066 Jobs

Sierra Club Pushes For Public Disclosure Of FirstEnergy PPA Projections

Kasich, Cruz Unveil Truce To Stop Trump; Billionaire Rips Plan

Court Briefs: Pike County Crime Scenes Also Sites Of Marijuana Growing Operations; Cleveland Settles Civil Suit With Family Of Tamir Rice

Agency Briefs: Auditor Says Village Of Lincoln Heights Doesn't Qualify For Fiscal Distress; ODH; EPA; CSRAB; BMV; MHAS

Capitol Scene: Willoughby Moves To AMP; SEIU, Boich Promote

Supplemental Agency Calendar

Activity Reports

House

Senate

Calendars

Day Planner

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Volume #85, Report #79 -- Monday, April 25, 2016

House Education Panel To Examine Value-Added Report Card Measure

The House Education Committee this week will begin a deep dive into a state report card measure that's been the subject of debate over its accuracy in determining how much students are improving each year.

The panel will consider for the first time what the chairman has described as a "placeholder bill" (HB 524) that allows for discussion of the value-added report card measure, which reflects how much academic progress students made over the course of a year.

The bill comes in response to recent attempts from some advocacy groups to push the state toward using another measure in addition to, or instead of, "value-added" so that students' progress can be better compared to peers who are similar to them as opposed to their own previous test results, Chairman Rep. Andy Brenner (R-Powell) said.

The Ohio Coalition for Quality Education, a charter school advocacy group, recently lobbied for an amendment in a Senate priority measure (SB 3) that would add the similar students measure to the state report card. It pushed for the same addition in a charter school overhaul bill (HB 2) last year. (See Gongwer Ohio Report, February 22, 2016)

While the former bill could still be a vehicle for potential report card changes, Rep. Brenner said he felt the value-added versus similar students debate deserved separate consideration for now.

"I think they need to be vetted in their own bill and I think we need to have various groups come in and explain why we're doing things the way we are and what's included in it and what the importance is for each," he said in an interview.

Department of Education staff, who have lauded value-added as the best indicator of student success that's being used in the country, will explain how it is calculated during the committee's Wednesday morning meeting.

Rep. Brenner said the panel, which could meet twice the following week to consider the bill, will eventually hear from the measure's creators from Battelle for Kids.

"Many groups want to know what really are the components so we have a better understanding of it," he said. "If they knew a little more about how (value-added) was calculated for instance, they might have a better understanding of what they need to adjust in their school to meet the growth measures."

OCQE has argued that value-added doesn't adequately evaluate schools that have highly mobile and impoverished students, which are often charters and those in urban communities. That's because it's based on how students did last year - possibly at a different school - and doesn't compare them to similar students attending schools that share demographics.

The Ohio 8 Coalition, which has raised similar concerns about report cards not reflecting the uniqueness of each school in the state, will be encouraged to take part in the committee's conversation on value-added, Rep. Brenner said.

Rep. Ryan Smith (R-Bidwell), who is sponsoring the measure with Rep. Bob Cupp (R-Lima), said he's not going into the process with preconceived notions about how to approach value-added or similar students measures.

"I don't have any goals necessarily; it's more of an education for me," he said in an interview. "If we find something that we think we need to do over and above value-added, I'm willing to have that conversation, but before we can get there we need to figure out how value-added measures work. I want to have a discussion with all parties involved because 1.8 million kids in the state are counting on us to get it right."

However, much like the Thomas B. Fordham Institute has found through its research, Rep. Smith said value-added is a "really good concept" because achievement can be measured individually and sometimes reflects how well a school is doing in helping students progress despite not seeing high test scores.

"What's important and I'm really interested in is making sure that every student is making progress, not necessarily all getting 100% on their tests, but that they're making progress from where they've started and that's why I think value-added is very intriguing to me because it levels the playing field," he said.

The Fordham Institute, which sponsors charter schools, recently released a report touting value-added as being the key to uncovering best practices in high-poverty urban schools. (See Gongwer Ohio Report, March 11, 2016)

Such schools universally receive low overall marks on state report cards, but some receive high value-added ratings, according to the report.

Per House Bill 2, which was enacted earlier this year, ODE is researching the similar students measure and is required to submit a report regarding its findings and recommendations by Dec. 1.

Rep. Brenner said the discussion about how to improve school report cards and the how data is being used in the long term could likely be continued through the Joint Education Oversight Committee.

Bill To Extend Energy Freeze Introduced In Senate

Sen. Bill Seitz (R-Cincinnati) on Monday introduced his much-awaited bill to extend the ongoing renewable energy mandates freeze by three years.

In its major components, the bill (SB 320) is much the same as a draft circulated by Sen. Seitz last week to gauge stakeholder input. (See Gongwer Ohio Report, April 13, 2016)

It maintains the draft's 2019 end date for the freeze, while eliminating compliance measurements for the years 2021-22, 2023-24, and 2026-27.

It also keeps intact draft language prohibiting any state agency from issuing certain guidelines on carbon dioxide emissions, electric dispatch protocols, natural gas utilization, or regulating the acquisition of renewable energy and more "without new and specific state statutory authority to do so."

Several interested parties on both sides of the issue said Monday they had not yet had time to examine the final bill, which was introduced late in the afternoon. But in addition to continuing the freeze, opponents have expressed concerns the draft version would water down the definition of energy efficiency and remove flexibility from the state's response to the Clean Power Plan.

The bill as introduced would expand the definition of energy efficiency to include post-consumer recycled glass by mercantile customers, consumer reductions in water usage, and improvements in wastewater treatment. It would also expand the consumer base eligible for opting out of energy efficiency programs.

Whether Gov. John Kasich would sign such a bill remains to be seen. The governor last year blasted the Energy Mandates Study Committee's recommendation to continue the freeze. (See Gongwer Ohio Report, September 30, 2015)

Governor's office spokesman Joe Andrews declined to comment in detail on the introduced bill, which he said could change by the time it hits the governor's desk.

But Mr. Andrews said the governor has been clear on his opinion on continuing the freeze. Gov. Kasich previously called the idea of an indefinite continuation "unacceptable."

When it comes to the idea of a three year extension, Mr. Andrews said the governor's reaction will be much the same.

"It's still kicking the can down the road," Mr. Andrews said.

At an April 19 campaign stop in Maryland, Gov. Kasich said he has "leverage" over lawmakers in the discussion, according to video from CSPAN.

"They're going to have to come with a commonsense plan because if they try to kill it we'll go back to the unattainable level that was set," Gov. Kasich said. "That's called leverage. I have leverage."

He urged promoting efficiency and renewables, while criticizing politicians for setting the standard "at a level we can't meet."

"So we want to have energy," he said. "The problem was the legislature got carried away at one point and our standards were 20 or 25% and they wanted to get rid of it. I said no, we're not going to do it. We'll reset it to fit the economy of Ohio."

Democrats Urge Feds To Reject Proposed 'Healthy Ohio' Medicaid Waiver

Democrats said Monday that a proposed Medicaid waiver to require participants to pay into an account is an effort to roll back the efforts after the Affordable Care Act to increase access to coverage.

U.S. Sen. Sherrod Brown (D-Avon) joined state lawmakers at a Statehouse news conference to oppose the so-called "Healthy Ohio" plan, which Sen. Brown said he is actively urging the federal Center for Medicare and Medicaid Services to reject.

"We're asking them to reject this application and say no to hiking costs for people all across Ohio," he said. "We're going to do all we can to deny the Ohio waiver because it clearly cuts at the heart of the Medicaid."



Sen. Brown

The state is required to pursue the waiver because of language written into the biennial budget bill (HB 64). It would create a five-year demonstration program in which about 1.5 million people on Medicaid are required to pay into a modified health savings account called a Buckeye Account in order to receive coverage. The participant's contributions to the account would be used to pay for co-pays. (See Gongwer Ohio Report, April 22, 2016)

Supporters of the program, including state Rep. Jim Butler (R-Oakwood), have said it will improve personal responsibility among people on Medicaid and create incentives for more people to take advantage of primary and preventative care.

Since the waiver was opened for public comment April 15, opponents have criticized it as a way in which legislators have tried to undo the progress of Medicaid expansion. Medicaid participants who don't make the required contributions to the Buckeye Account - 2% of their income up to \$99 per year - would lose coverage.

"I believe this could be a prescription for disaster for many of Ohio's most vulnerable, especially in the fact that it could create a serious setback to the health of many low-income Ohioans," Rep. Nickie Antonio (D-Lakewood) said Monday. "We run the risk of driving hard-working Ohioans away from preventative and maintenance care in a doctor's office and pushing them back into the emergency room."

"We must expose the Healthy Ohio waiver for the Trojan horse that it is," she added.

Rep. Antonio said the proposal is similar to one in Indiana that the state later rolled back.

"They went back on it because what they were finding was that the health outcomes were not helpful once they instituted the premiums," she said.

Rep. Butler, one of the architects of the plan, said the Healthy Ohio plan is similar to the original Indiana plan but with some changes. The Healthy Ohio program doesn't lock people out of reapplying for Medicaid if they lose coverage, he said, it allows people to regain coverage once they start making payments again. The Ohio program also allows people who move to private insurance to take the money in their Buckeye Account with them in a bridge account, he said.

Rep. Butler said the Indiana plan, which was implemented in 2008, was successful.

Without doing something to control costs in Medicaid, Rep. Butler said, the state could face financial struggles with rising costs.

"Doing nothing is not a plan," he said in a Friday interview. "I'm open to suggestions. Come with a solution rather than just spend more money, because that's just unsustainable."

Sen. Kenny Yuko (D-Richmond Hts.) said he expected the Healthy Ohio program would lead to higher administrative costs for the state and wouldn't lead to the health outcomes Rep. Butler expects.

"When push comes to shove, we're going to see very little benefit of this for a whole lot of work," he said.

Rep. Antonio said the program could jeopardize coverage for new mothers, something that wouldn't help the state's high infant mortality rates.

Sen. Brown said the fact that some people would be kicked off of Medicaid means many would stay off of it and go back to using hospital emergency rooms without being able to pay the bills. That would cost everyone more money as hospitals go back to having to

cover some of the nearly \$2.3 billion in uncompensated care from before the passage of the Affordable Care Act.

The proposal goes against the idea of Medicaid, he said.

"When people are rejected from something, that makes it that much more difficult to come back," Sen. Brown said. "The whole promise to people was we'll have a compact with you. You will show up for maintenance and preventative care as well as showing up when you have an acute crisis or health problem and we'll provide the care at no cost."

The comment period on the waiver runs through May 16. The final public hearing is scheduled for Tuesday at 2 p.m. in Cincinnati.

Gentile Heads Into Fall Election Cycle With Fundraising Lead Over Opponent; GOP Caucus Leaders Hold Huge Cash Advantage; DeWine Leads In High Court Funding

Republicans' top Senate target in this fall's elections has a commanding lead thus far in the money race.

Sen. Lou Gentile (D-Steubenville) has built a campaign war chest of \$428,401 in his bid to retain his seat in the 30th Senate District, according to post-primary campaign finance reports.

Post-primary reports include all activity from Feb. 25 to April 15.

Sen. Gentile spent just \$8,110 over that period, while raising \$102,251.

His opponent, Frank Hoagland, a retired Navy SEAL who owns START LLC in Mingo Junction, reported a balance of \$6,358 on hand. He raised \$9,624 and spent \$7,396.

Despite his cash shortcomings, Mr. Hoagland is expected to see a lot of support from the well-heeled Republican Senate Campaign Committee. (See Gongwer Ohio Report, April 22, 2016) Given the politically lopsided, non-competitive nature of most of the GOP-drawn Senate districts, the majority won't have a lot of choices on where to spend its considerable cash advantage.

After spending \$102,351 in his primary victory against Reps. Mike Dovilla (R-Berea) and Nan Baker (R-Westlake) in the 24th Senate District's primary election, former lawmaker Matt Dolan has just \$7,892 on hand, according to his filing. He received \$25,967 in donations during the period.

His Democratic opponent, Emily Hagan, staff attorney for Cuyahoga County Common Pleas Court Judge Michael P. Donnelly, has \$68,904 on hand. She raised \$27,460 and spent \$3,750 during her uncontested primary election.

On the House side, in the race to replace term-limited Rep. Debbie Phillips (D-Albany) Republican Jay Edwards has a commanding fundraising lead, with \$42,852 on hand. He received \$4,600 in donations and spent just \$2,500 during his uncontested primary.

Democrat Sarah Grace has just \$1,742 on hand. She raised \$3,545 and spent \$6,738 in defeating fellow Democrat Eddie Smith in the primary election in the 94th House District.

In the race for the 89th House District seat, Rep. Steven Arndt (R-Port Clinton), who narrowly defeated former Rep. Chris Redfern during the previous election cycle, has a slight fundraising deficit over his Democratic challenger.

Rep. Arndt has \$2,442 on hand after raising \$5,300 and spending \$5,100. His challenger, Lawrence Hartlaub, has \$4,590 on hand. He raised \$3,135 and spent \$2,359.

In the race for the 95th House District seat, Belmont County Commissioner Ginny Favede holds a significant fundraising advantage over incumbent Rep. Andy Thompson (R-Marietta).

Ms. Favede has \$39,941 on hand. She raised \$11,092 and spent \$1,132. Rep. Thompson, meanwhile, has \$4,220 on hand. He raised \$5,360 and spent \$10,416.

Democrat Bobby McDowall holds a fundraising advantage over Rep. Anthony DeVitis (R-Green) in the race for the 36th House District seat, which the incumbent won with 52.5% of the vote in the last presidential cycle.

Mr. McDowall has \$13,974 on hand after raising \$6,070 and spending \$2,258.

Rep. DeVitis has \$3,459 on hand. He raised \$10,115 and spent \$10,118.

Although he is expected to cruise to victory in his race against Democrat John Carlisle in the heavily conservative 72nd House District, former House Speaker Larry Householder has accumulated \$66,250 after spending \$75,187 and raising \$47,395.

Leadership: Republican leaders of both chambers have plenty of cash to spread around in the general election.

Senate President Keith Faber (R-Celina) has \$420,795 on hand after spending \$17,449.

He raised \$163,147, with his largest contributions - \$12,532 each - coming from Political Education Patterns and Cynthia and Wayne Boich.

He also received \$10,000 donations from the Ohio Health Care Association PAC; the Realtors PAC; GOPAC Election Fund; the PAC for Equine Racing; J.C. Huizenga; and Karen Wright.

House Speaker Cliff Rosenberger (R-Clarksville) has \$178,648 on hand after spending \$27,615.

He received \$131,280 in contributions, including \$12,500 from FirstEnergy PAC, \$12,000 from the Realtors PAC and the Wholesale Beer and Wine Association PAC.

He also received donations of \$5,000 from Cardinal Health PAC; Marathon Petroleum Corporation Employees PAC; CCG PAC; and the Ohio State Chiropractic Association PAC.

His counterpart, Minority Leader Strahorn (D-Dayton), had \$2,593 on hand. He spent \$26,407 and raised \$23,525.

His largest contributions came from FirstEnergy PAC, which donated \$4,000, Laborers District Council of Ohio PAC, which donated \$2,500, and the Ohio Association for Justice, which also donated \$2,500.

Senate Minority Leader Joe Schiavoni (D-Boardman) did not file a post-primary campaign finance report.

Supreme Court: First District Court of Appeals Judge Pat DeWine, a Republican, has more cash on hand than the other three high court candidates combined.

Judge DeWine is sitting on a campaign war chest of \$538,602 after spending \$41,486 and raising \$74,780 during the most recent reporting period.

He faces Eleventh District Court of Appeals Judge Cynthia Rice in the general election. The Democrat has \$76,310 on hand. She spent just \$3,226 and raised \$26,850.

In the other race for an open seat Cuyahoga County Common Pleas Court Judge John O'Donnell, a Democrat who lost a bid for a high court seat in 2014, has \$60,944 on hand. He spent \$23,043 and raised \$30,070.

His opponent, First District Court of Appeals Judge Pat Fischer, has \$29,220 on hand after spending \$121,579 to dispatch opponent Eleventh District Court of Appeals Judge Colleen Mary O'Toole in the Republican primary. He raised \$64,625 in the reporting period.

State Tax Credits Aimed At Creating, Keeping Total Of 1,066 Jobs

Seven business expansion projects were awarded an estimated total of about \$1.64 million in tax credits Monday under multi-year deals with the state that are expected to create 530 jobs and retain 536.

The Tax Credit Authority reported that the projects are expected to result in \$21,241,653 in new payroll and lead to \$24.1 million in additional investments.

The largest incentive, with an estimated value of \$590,000 contingent on the business meeting its growth targets and other factors, went to **EBTH.com LLC**, according to the state.

The online estate sale company received a 1.259%, seven-year Job Creation Tax credit to locate its business in a yet-to-be-determined site in the state. The company plans to create 275 full-time positions generating \$7.7 million in new annual payroll while retaining \$3.3 million in payroll, TCA reported.

The next largest tax credit, valued at an estimated \$428,000, went to **ATK Space Systems, Inc.**, a supplier of rocket motors and other space systems with locations in Kettering and Beavercreek. The company projects it will create 68 full-time jobs with a consolidation involving the two locations, in the process creating \$4.3 million in payroll and retaining \$8 million in payroll, TCA reported. The authority awarded a 1.701%, seven-year JCTC for the project.

Other tax credits approved Monday went to (estimated tax value):

GENCO I, Inc. of Columbus, which expects to create 82 jobs generating \$3 million in new annual payroll with its new project. The logistic services provider received a 1.153%, six-year tax credit (\$192,000).

Ball Metal Food Container, LLC of Columbus plans 50 new full-time positions generating \$2.5 million in annual payroll while retaining \$10.8 million in payroll under an expansion. The TCA approved a 1.228%, six-year JCTC for the packaging manufacturer's project (\$184,000).

Cognitive Ventures, LLC of Dublin expects to create 17 positions and generate \$1.6 million in new payroll by locating in the Franklin County suburb. The concussion testing and management company received a 1.426%, six-year tax credit (\$116,000).

Risk International Services, Inc. of Fairlawn in Summit County plans to create 18 full-time jobs entailing \$1.3 million in payroll while retaining \$4 million in payroll under an expansion. The TCA awarded the risk management firm a 1.401%, six-year JCTC (\$100,145).

Rotex Global, LLC of Cincinnati expects to create 20 full-time positions generating \$867,616 in payroll and retain \$9.9 million in payroll with an expansion project. The provider of dry material screening equipment and technology was awarded a 0.722%, five-year tax credit (\$29,000).

Sierra Club Pushes For Public Disclosure Of FirstEnergy PPA Projections

The fallout of recently approved Power Purchase Agreements continues as FirstEnergy and the Sierra Club argue over whether confidential consumer cost estimates and revenue projections should be made public.

The debate is laid out in the latest filings in a case involving the PPA modified and approved March 31 by the Public Utilities Commission of Ohio. (See Gongwer Ohio Report, March 31, 2016)

In that order, the commission generally approved an eight-year plan for consumers to ensure profits on the company's aging power plants. Now PPA opponent Sierra Club is attempting to make public internal FirstEnergy projections the group says show how much the plan might cost customers.

The projections in question stem from the December testimony of Sierra Club witness Tyler Comings, a senior associate at Massachusetts-based Synapse Energy Economics Inc. In redacted portions of that testimony, according to FirstEnergy's PUCO filing, Mr. Comings discussed "a certain projection regarding the alleged cost of Rider RRS" over the terms of the Electric Security Plan.

The Sierra Club, in its own filing, referred to the information as a "projection of costs and revenues" under the rider "including a calculation of the net impact that the Rider RRS would have on customers over the eight-year term using FES's forecast of market prices."

On Friday, the Sierra Club moved to modify the existing protective order issued during prior proceedings, requesting the PUCO modify the order to allow the information to become public. It argues the projection would assist the public in understanding and interpreting the PUCO's recent order and that it's not dissimilar from previous information made public during the hearing process.

"This projection, which contains no plant-specific data, is not a trade secret and therefore should be removed from the scope of the commission's protective order," Sierra Club argued.

"Because disclosure of the FES projection would facilitate the public's review and understanding of the Commission's decision, and because this projection is not a trade secret, this information should be publicly released," the group continued.

In its own filing Friday, the company disagrees, accusing the group of "threatening" to release trade secrets. FirstEnergy's motion is for the PUCO to maintain its existing protective order, which it said would keep that projection outside the public domain.

"This projection was generated using inputted confidential and proprietary cost and revenue projections that FES provided to Sierra Club in response to a subpoena request," reads FirstEnergy's filing. "Disclosure of this material could economically harm FES by placing FES at a competitive disadvantage."

On April 15, Sierra Club attorneys wrote to FirstEnergy, advising the company it intended to make the information public "because they do not contain any trade secrets," according to copies of an email exchange submitted to the PUCO as an exhibit.

"Apparently frustrated with the Commission's decision, Sierra Club has now decided to resort to self-help and has threatened to insert this already protected information into the public domain," FirstEnergy argued in its filing.

That email kick-started the filings, prompting a PUCO attorney examiner to set a Tuesday deadline by which parties may file responses to the motions. No replies to those arguments will be considered, the examiner determined.

Kasich, Cruz Unveil Truce To Stop Trump; Billionaire Rips Plan

GOP frontrunner Donald Trump blasted Gov. John Kasich and Texas Sen. Ted Cruz, accusing the two trailing Republicans of a desperate attempt at "collusion."

Mr. Trump's statement followed news that the Cruz campaign will lay off New Mexico and Oregon, allowing Gov. Kasich a clear shot at challenging Mr. Trump, while the Kasich camp agreed to cede Indiana to the senator.

The two haven't gone as far as to urge their supporters to vote for the other candidate - in contrast Gov. Kasich on Monday said his Indiana supporters "ought to vote for me" - but the pair has essentially agreed to not spend money in those respective states and are publicly urging their super PACs to do the same.

By doing so, the pair - each of which has been mathematically eliminated from seizing the nomination prior to a contested convention - hopes to launch a two-front attack that will block Mr. Trump from collecting the required 1,237 delegates.

"It is sad that two grown politicians have to collude against one person who has only been a politician for 10 months in order to try and stop that person from getting the Republican nomination," Mr. Trump said in his statement.

If successful, the gambit would force a contested convention, where both Sen. Cruz and Gov. Kasich believe they stand a shot at earning the nomination on the second ballot or beyond. But strategists for the two temporary allies were quick to say the truce only stands in those three states.

"Our goal is to have an open convention in Cleveland, where we are confident a candidate capable of uniting the party and winning in November will emerge as the nominee," Kasich Chief Strategist John Weaver said. "We believe that will be John Kasich, who is the only candidate who can defeat Secretary Clinton and preserve our GOP majority in the Congress."

Cruz Campaign Manager Jeff Roe, in his statement, said Mr. Trump would be a down-ballot "disaster" who would get "blown out" by either Democratic contender.

"To ensure that we nominate a Republican who can unify the Republican Party and win in November, our campaign will focus its time and resources in Indiana and in turn clear

the path for Gov. Kasich to compete in Oregon and New Mexico, and we would hope that allies of both campaigns would follow our lead."

Mr. Trump, in response, said the Cruz campaign is "in free fall" and criticized Gov. Kasich for having fewer delegates than Sen. Marco Rubio who dropped out of the race more than one month ago.

"This horrible act of desperation, from two campaigns who have totally failed, makes me even more determined, for the good of the Republican Party and our country, to prevail!" Mr. Trump said.

The tight race, in which every delegate Mr. Trump earns could be the last inch he needs to cross the 1,237 delegate threshold, has shifted more importance toward late voting states like Indiana, which heads to the polls May 3.

Indiana has 57 delegates - 30 which go to the state winner, and 27 others allotted to winners by congressional district. Recent polling continues to show Gov. Kasich lagging in Indiana, making Sen. Cruz the more competitive of the two.

An April 20-22 CBS News/YouGov poll found Mr. Trump at 40%, Sen. Cruz at 35% and Gov. Kasich at 20%. An April 18-21 Fox News poll found Mr. Trump (41%) similarly leading Sen. Cruz (33%) and Gov. Kasich (16%). A WTHR/HPI poll showed Mr. Trump at 37%, followed by Sen. Cruz (31%) and Gov. Kasich (22%).

"Due to the fact that the Indiana primary is winner-take-all statewide and by congressional district, keeping Trump from winning a plurality in Indiana is critical to keeping him under 1,237 bound delegates before Cleveland," Mr. Weaver said. "We are very comfortable with our delegate position in Indiana already, and given the current dynamics of the primary there, we will shift our campaign's resources west and give the Cruz campaign a clear path in Indiana."

Tuesday: Recent polls show Gov. Kasich in second in four northeastern states voting this week, while he battles Sen. Cruz in an effort to reach second in Pennsylvania. In addition to the Keystone State, Rhode Island, Connecticut, Maryland and Delaware vote Tuesday.

Recent Pennsylvania polls - from the left-leaning Public Policy Polling, CBS News/YouGov, and NBC/*Wall Street Journal*/Marist - show the governor in third, three or four points behind Sen. Cruz. In those polls, Sen. Cruz lags Mr. Trump by between 18-26 points. An April 21-24 poll from American Research Group showed Mr. Trump at 50%, Sen. Cruz at 23% and Gov. Kasich at 21%.

Rhode Island's recent polls show Gov. Kasich in a distant second. PPP's April 22-24 poll had him at 23%, down 38 points from Mr. Trump's 61% and 10 points above Sen. Cruz. Brown University, in an April 19-21 poll, found Mr. Trump at 38%, followed by Gov. Kasich (25%) and Sen. Cruz (14%).

In other states, PPP's April 22-24 Connecticut poll placed Mr. Trump at 59%, ahead of Gov. Kasich (25%) and Sen. Cruz (13%). An April 21-24 ARG poll of Maryland found Mr. Trump leading Gov. Kasich 55-21%, followed by Sen. Cruz (19%). And in Delaware, the only poll to date, conducted April 17-18 by Gravis, found Mr. Trump at 55%, Gov. Kasich at 18% and Sen. Cruz at 15%.

Vice President: The Kasich campaign recently began vetting potential vice presidential candidates, Gov. Kasich said in a Sunday CBS interview.

Asked whether he plans to unveil the VP candidate prior to the convention in order to make the Kasich ticket more attractive to delegates, Gov. Kasich didn't close the door on the idea.

"These things come quickly and you don't want to have yourself in a position where you've got to pick somebody out of a hat," Gov. Kasich said.

Endorsements: Endorsing Gov. Kasich in recent days were the *Baltimore Sun*, the *Philadelphia Enquirer*, the *Lewistown (Penn.) Sentinel*, and former Pennsylvania U.S. Rep. Melissa Hart. The campaign also expanded its Washington leadership team.

Court Briefs: Pike County Crime Scenes Also Sites Of Marijuana Growing Operations; Cleveland Settles Civil Suit With Family Of Tamir Rice

Three of the four Pike County locations at which law enforcement officials on Friday discovered the bodies of eight individuals housed marijuana growing operations, Attorney General Mike DeWine said at a news conference Sunday.

Mr. DeWine did not say the murders and the marijuana growing operations are linked. He said investigators have not ruled out the possibility that there was more than one killer involved.

He also cautioned that the investigation could be lengthy.

"This was a pre-planned execution of eight individuals. It was a sophisticated operation and those who carried it out were trying to do everything they could do to hinder the investigation and their prosecution," he said at the news conference.

Eighteen pieces of evidence are being analyzed for forensics and ballistics at the Bureau of Criminal Investigation crime lab, five search warrants have been executed, more than 50 people have been interviewed and more than 100 tips have been received about the case, according to Mr. DeWine.

Also over the weekend, the attorney general's office released the names of the victims, all of whom are members of the same family and ranged in age from 16 to 44. On Monday, the attorney general's office released a chart to explain the familial relationships of the victims.

Pike County Sheriff Charles Reader said at the news conference that he has spoken to remaining members of the family and advised them to be armed.

Cincinnati restaurant owner Jeff Ruby is offering a \$25,000 reward for information that results in the arrest and conviction of anyone involved in the killings.

The attorney general's office on Monday also announced that autopsies had been completed on all eight victims.

Anyone with information on the case is asked to call 1-855-BCI-OHIO or the Pike County Sheriff's Office at 740-947-2111.

Rice Settlement: The city of Cleveland and the family of Tamir Rice have reached a settlement in a civil suit over the shooting death of the 12-year-old boy.

The family will receive \$6 million over the course of two years, according to the settlement approved by U.S. District Judge Dan Polster. The settlement will also require the approval of a Cuyahoga County Probate Court judge.

Mr. Rice was killed by Cleveland police officer Timothy Loehmann in November 2014 after receiving reports of someone in a park with a gun. Mr. Rice was wielding a toy gun at the time of the shooting.

A grand jury late last year declined to bring any charges against Mr. Loehmann for the shooting. (See Gongwer Ohio Report, December 28, 2015)

The lack of charges has led some to call for changes to the grand jury process in Ohio in cases of officer-involved shootings. (See Gongwer Ohio Report, January 14, 2016)

A task force created by Ohio Supreme Court Chief Justice Maureen O'Connor to improve public confidence in the system is also exploring the issue. (See Gongwer Ohio Report, April 1, 2016)

In the wake of the settlement, the ACLU of Ohio called for reforms to the criminal justice system.

"Money alone cannot provide justice in the tragic death of this child," Executive Director Christine Link said in a statement. "The web of laws and practices that prevent accountability for police misconduct needs to be taken apart and replaced with concrete solutions to eliminate racial bias in the justice system. Merely paying for police misconduct without addressing the deeper issues will allow this behavior to continue year after year."

Agency Briefs: Auditor Says Village Of Lincoln Heights Doesn't Qualify For Fiscal Distress; ODH; EPA; CSRAB; BMV; MHAS

The Village of Lincoln Heights in Hamilton County doesn't meet the standards for fiscal distress status, State Auditor Dave Yost announced Monday.

Auditor Yost sent a team of auditors to the community April 21, and staff will continue to work in the village as part of its regularly scheduled financial audit.

The village did not meet the conditions for any of the three levels of fiscal distress - fiscal caution, fiscal watch or fiscal emergency - because it is current on pension obligations and its payables, including obligations to the Hamilton County Sheriff's Office, are within 30 days of being paid, according to the auditor's office.

"While the village's budget continues to be tighter than two coats of paint, it's paying its bills," Auditor Yost said in a statement. "The village doesn't meet the standards for any type of fiscal distress oversight. We have been and remain concerned about its fiscal health and will continue to monitor the situation."

Health: The Centers for Disease Control and Prevention issued guidance for outdoor workers, mosquito control workers and business travelers to prevent exposure to the Zika virus, according to ODH.

Ohio has 10 confirmed cases of Zika involving people who returned from affected countries.

For outdoor workers, the CDC recommends workers use insect repellants, wear clothing that covers hands, arms, legs and other exposed skin and get rid of sources of standing water whenever possible. For mosquito control workers, the CDC also recommends they use protection to reduce exposure to hazardous chemicals.

Employers should consider giving business travelers flexibility when traveling to areas with active Zika transmission. The CDC also recommended that pregnant women not travel to any affected area, and that people who return to the U.S. from affected areas try to avoid mosquito bites for three weeks to prevent passing the virus to domestic mosquitoes.

"Workers who are exposed on the job to mosquitoes or the blood or other body fluids of infected individuals may be at risk for occupationally acquired Zika virus infection," ODH Medical Director Dr. Mary DiOrio said in a statement.

ODH will hold a workshop Tuesday to help local health departments and others prepare for mosquito season. The workshop will focus on monitoring and controlling mosquitoes who carry diseases such as Zika and West Nile Virus.

Ohio EPA: The EPA awarded grants totaling more than \$1.6 million to local governments to strengthen recycling and litter prevention efforts. The grants are designed to help expand curbside recycling programs and support infrastructure for recovery facilities.

Grant communities must commit to 50% matching funds.

The EPA also awarded grants for two projects to help companies develop markets for reusing scrap tires.

The agency awarded \$350,000 to Liberty Tire Services of Ohio LLC, in partnership with Jackson Township, to purchase scrap tire processing equipment. A \$50,000 grant went to the Cuyahoga County Soil and Water Conservation District and the St. Clair Superior Development Corporation to buy processing equipment to create geo cells made of scrap tire material.

Ohio Statehouse: The Capitol Square Review and Advisory Board will mark the 151st anniversary of the repose of President Abraham Lincoln's body in the Statehouse Friday with an event involving a group of Civil War reenactors who will provide an honor guard for a replica of the president's casket.

The event will take place in the rotunda from 10 a.m. to 3 p.m. The 1st Ohio Light Artillery, Battery A reenactors will also hold a Civil War encampment on the grounds of the Statehouse, including cannon firings every half hour.

Bureau of Motor Vehicles: The BMV unveiled a new specialty license plate for female veterans, which was available starting Monday.

The plate is available for any woman currently serving or retired from the Marine Corps, Navy, Army, Air Force and Coast Guard.

"We are proud of these brave women who have served our country, and are pleased that Ohioans can now honor them by displaying the new special plate on their vehicle," BMV Registrar Don Petit said in a statement.

More than 67,000 female veterans live in Ohio. The new plate is one of 40 military-related specialty plates.

"Ohio's women veterans are groundbreakers," said Department of Veterans Services Director Chip Tansill, "They have served with distinction in every war and we thank them for their role in preserving and protecting our freedom."

Mental Health and Addiction Services: Director Tracy Plouck testified before a public hearing of the U.S. Senate Committee on Homeland Security and Governmental Affairs Friday in Cleveland. The hearing was focused on the impact of the opioid epidemic in Ohio, and included Sens. Rob Portman (R-Terrace Park) and Sherrod Brown (D-Avon).

Director Plouck joined Attorney General Mike DeWine and others in testifying about the battle against opioid addiction.

Capitol Scene: Willoughby Moves To AMP; SEIU, Boich Promote

Charles Willoughby, who most recently worked as director of energy and environmental policy at the Ohio Chamber of Commerce, has been named director of government affairs for American Municipal Power, Inc.

In the new role, Mr. Willoughby will be the primary Statehouse contact for AMP and the Ohio Municipal Electric Association.

"Charles will work closely with AMP and the Ohio Municipal Electric Association (OMEA) on behalf of our member utilities," said Michael Beirne, vice president of external affairs. "The issues confronting Ohio's municipal electric systems are many and often complex. His background and knowledge will be a great asset to the organizations and our members."

Before joining the Chamber, he was a government affairs consultant to the Industrial Energy Users - Ohio and was policy and legislative liaison for Ohio Attorney General Mike DeWine. He also held staff positions for Rep. Kirk Schuring (R-Canton) when he served in the Senate, and for former Rep. Courtney Combs.

Mr. Willoughby is a graduate of Miami University.

Service Employee Union: SEIU District 1199 announced that Anthony Caldwell has been named director for public affairs.

"We are pleased to announce Anthony Caldwell as our new Director of Public Affairs for SEIU District 1199 WV/KY/OH," president Becky Williams said. "Anthony has spent his career dedicated to improving the lives of working people and working to achieve greater social and economic justice. Caldwell's experience in communications and politics matched with his depth of knowledge of the legislature have prepared him to lead in this important role."

The group is the health care and social service union for West Virginia, Kentucky and Ohio, representing almost 29,000 workers.

Boich: The Boich Companies announced that Mathew T. Evans has been named the firm's president.

In the new position, Mr. Evans will take an increased leadership role as the company continues to diversify in energy markets.

"Obviously, the energy mix in this country has and will be seeing significant changes," Mr. Evans said. "I look forward to helping the company further evolve as we move into the future."

Before the promotion, Mr. Evans was president of external relations for Boich Companies. He joined the company in 2001, and leads the company's government affairs activities at state and federal levels.

Mr. Evans is a former Ohio Senate aide who also worked for former Gov. George V. Voinovich. He also spent five years working in legislative and regulatory affairs for Cinergy, now known as Duke Energy. He is a graduate of Ohio University.

Supplemental Agency Calendar

Tuesday, April 26

Racing Commission, 77 South High St., Room West B & C - 31st Floor, Columbus, 10 a.m.

Thursday, April 28

State Board of Education, Ohio Department of Education, 25 South Front Street, Columbus, 9:30 a.m.

Ethics Commission, 126 S. State St., Meeting Room A, Westerville, 12 p.m. (Advisory Committee)

EMIS Advisory Board, Statehouse Rm. 116, Columbus, 1 p.m.

Friday, April 29

Accountancy Board, Rm. West B&C, 31st Fl., 77 S. High St., Columbus, 10 a.m.

Thursday, May 5

Ethics Commission, 30 West Spring Street, Meeting Room 2, 2nd Fl., Columbus, 11:30 a.m.

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House Activity for Monday, April 25, 2016

INTRODUCED

HB 529 ■ **FIREARMS** (Retherford, W., Hagan, C.) To provide for firearms training for tactical medical professionals; to permit such a professional who has received that training or comparable training and who is authorized to carry firearms by the law enforcement agency the professional is serving to carry firearms while on duty in the same manner, to the same extent, in the same areas, and subject to the same potential for civil and criminal liability as a law enforcement officer of the agency; and to grant such a professional, while on duty in that capacity, the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license. Am. 109.71, 109.73, 109.75, 109.79, 109.801, and 2923.126 and to enact sections 109.748 and 109.771

HB 530 ■ **CHILD CARE CENTERS** (Retherford, W.) To provide for the licensure of sick-child care centers. Am. 5104.01, 5104.015, and 5104.99 and to enact sections 5104.0113, 5104.15, 5104.16, and 5104.17

HB 531 ■ **MILEAGE REIMBURSEMENTS** (Hill, B.) To require townships to provide mileage reimbursement to a member of a board of township trustees and to a township fiscal officer for travel within the township that is necessary in the performance of the member's or fiscal officer's duties. Am. 505.242 and 507.091

HB 532 ■ **REAL ESTATE SALES** (Smith, R.) Relating to real estate brokers and salespersons. Am. 4735.01, 4735.06, 4735.07, 4735.09, 4735.10, 4735.141, 4735.18, 4735.24, 4735.51, and 4735.65 and to enact sections 1386, 4735.081, 4735.091, and 4735.23

HB 533 ■ **AWARENESS MONTH** (Sprague, R.) To designate the month of May as "Neurofibromatosis Awareness Month." Am. 5.259

HOUSE SPEAKER'S APPOINTMENTS

Commission on Minority Health: Rep. Sykes

Joint Education Oversight Committee of the House of Representatives and Senate: Rep.
Patterson as ranking minority member

Medina County Transportation Improvement District Board of Trustees: Rep. Hambley

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Senate Activity for Monday, April 25, 2016

INTRODUCED


SB 318 ■ **DISCRIMINATION (Skindell, M., Tavares, C.)** To prohibit discrimination on the basis of sexual orientation or gender identity or expression, to add mediation to the list of informal methods by which the Ohio Civil Rights Commission must attempt to induce compliance with Ohio's Civil Rights Law before instituting a formal hearing, and to eliminate certain religious exemptions from the Ohio Civil Rights Law. Am. 9.03, 124.93, 125.111, 153.59, 153.591, 340.12, 511.03, 717.01, 1501.012, 1751.18, 2927.03, 3113.36, 3301.53, 3304.15, 3304.50, 3314.06, 3332.09, 3721.13, 3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.04, 4112.05, 4112.08, 4117.19, 4735.16, 4735.55, 4757.07, 4758.16, 4765.18, 5104.09, 5107.26, 5123.351, 5126.07, 5165.08, 5515.08, and 5709.832


SB 319 ■ **DRUG REGULATIONS (Eklund, J.)** To revise certain laws regarding the regulation of drugs, the practice of pharmacy, and the provision of addiction services. Am. 2925.61, 2929.14, 2947.231, 3707.56, 3719.121, 3719.21, 4729.06, 4729.071, 4729.16, 4729.18, 4729.19, 4729.38, 4729.51, 4729.54, 4729.541, 4729.55, 4729.571, 4729.60, 4729.68, 4729.99, 4731.22, 4731.94, 4776.02, 4776.04, and 5119.391, to enact sections 3707.58, 3707.59, 4729.10, 4729.40, 4729.45, 4729.513, 4729.514, 4729.553, 4729.90, 4729.901, 4729.902, 4729.91, 4729.92, 4729.921, 4729.93, 4729.94, 4729.95, 4729.96, and 4731.943, and to repeal section 4729.42 of the Revised Code and to amend Sections 331.90 and 331.120 of Am. Sub. H.B. 64 of the 131st General Assembly

SB 320 ■ **RENEWABLE ENERGY (Seitz, B.)** To revise the requirements for renewable energy, energy efficiency, and peak demand reduction, to permit property owners to petition municipal corporations and townships for the purpose of developing and implementing special energy improvement projects, to govern condominium association participation in special improvement districts, to require deployment and permit cost recovery of advanced energy analytics technology by electric distribution utilities, and to revise the law governing net metering service provided by electric utilities and electric services companies. Am. 710.01, 1710.02, 1710.06, 1710.13, 3706.25, 4582.06, 4582.31, 4928.01, 4928.02, 4928.55, 4928.64, 4928.66, 4928.662, 4928.6610, and 4928.67; to recodify section 4928.67 as sections

4928.6711, 4928.6713, 4928.6715, 4928.6717, 4928.6723, and 4928.6725;
and to enact sections 1710.20, 1710.21, 1710.22, 1710.24, 1710.241,
1710.26, 1710.28, 3745.28, 4928.41, 4928.6620, 4928.6621, 4928.671,
4928.672, 4928.673, 4928.676, 4928.677, 4928.679, 4928.6719, and
4928.6721

Gongwer Coverage

SR 443  **RAIL CREWS (Skindell, M.)** To support the Federal Railroad Administration's proposed rule requiring trains operated in the United States to have at least a two-person crew.

SCR 20  **AGRICULTURAL TECHNOLOGY (Peterson, B.)** To support the use of science-based data to assess the impacts and regulation of modern agricultural technologies, and to oppose federal, state, or local legislative or regulatory actions that are not based on sound science and that may result in unnecessary restrictions on the use of modern agricultural technologies.

SENATE PRESIDENT'S APPOINTMENTS

Joint Legislative Task Force on Department of Transportation Issues: Appoint Sen. LaRose to replace Sen. Manning

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Daily Activity Planner for Tuesday, April 26

Legislative Committees

House Ways & Means (Committee Record) (Chr. McClain, J., 644-6265), Rm. 121, 9:30 a.m.

- SB 172** **BULLION TAXES** (Jordan, K.) To exempt from sales and use taxes the sale or use of investment metal bullion and coins. (3rd Hearing-All testimony-Possible amendments & vote)
- HB 473** **TAX POLICY** (Amstutz, R.) To require voter approval before a county may levy a new utilities services tax, to allow small businesses to count employees of related or affiliated entities towards satisfying the employment criteria of the business investment tax credit, to permit a bad debt refund for cigarette and tobacco product excise taxes paid when a purchaser fails to pay a dealer for the cigarettes or tobacco products and the unpaid amount is charged off as uncollectible by the dealer, and to allow vendors to receive a refund of sales taxes remitted for bad debts on private label credit cards when the debt is charged off as uncollectible by the credit card lender. (1st Hearing-Sponsor)
- HB 297** **TAX CREDIT** (Hill, B.) To authorize a refundable income tax credit for current livestock owners who invest in a manure storage or treatment facility or acquire manure application equipment or manure handling and transportation equipment. (3rd Hearing-All testimony)

House Education (Committee Record) (Chr. Brenner, A., 466-6711), Rm. 017, overflow in 018, 9:30 a.m.

- Presentation from the Ohio Department of Education on value-added.

- HB 524** **SCHOOL RATINGS** (Cupp, R., Smith, R.) To review the value-added progress dimension measure used for purposes of state report card ratings for school districts and schools. (1st Hearing-Sponsor)
- HB 487** **BILITERACY** (LaTourette, S., Roegner, K.) To require the State Board of Education to establish the state Seal of Biliteracy to be attached or affixed to the high school transcripts of qualifying students. (1st Hearing-Sponsor)
- HB 481** **STUDENT ENROLLMENT** (Thompson, A., Koehler, K.) To revise the requirements regarding student enrollment reporting for public schools, mandatory student withdrawal policies, and scholarship program eligibility relative to students who choose not to take state assessments during the 2015-2016 school year and to declare an emergency. (1st Hearing-Sponsor)
- HB 137** **ORGAN DONATION** (Grossman, C., Phillips, D.) To require the health curriculum of each school district to include instruction on the positive effects of organ and tissue donation. (4th Hearing-Possible vote)

Senate State & Local Government (Committee Record) (Chr. Uecker, J., 466-8082), North Hearing Rm., 9:45 a.m.

SB 220 **DEFERRED COMPENSATION (Hottinger, J.)** To authorize the Ohio Public Employees Deferred Compensation Board and local governments to establish designated Roth account features and other tax-deferred or nontax-deferred features permitted for government deferred compensation plans. (4th Hearing-All testimony)

HB 359 **ADDRESS CONFIDENTIALITY (Duffey, M., Gonzales, A.)** To create an address confidentiality program for victims of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, or sexual battery. (2nd Hearing-Proponent)

SCR 15 **FEDERALISM (Obhof, L., Faber, K.)** To reassert the principles of federalism found throughout the Constitution of the United States of America and embodied in the Tenth Amendment, to notify Congress to limit and end certain mandates, and to insist that federal legislation contravening the Tenth Amendment be prohibited or repealed. (1st Hearing-Sponsor)

HB 240 **CORONER LAW (Huffman, S., Johnson, T.)** To recognize that coroners include medical examiners; to change the qualifications for holding office as a coroner of a charter county; to require, under certain conditions, and to authorize, under other conditions, supplemental compensation for coroners who are forensic pathologists; to revise how the office of coroner is filled when a vacancy cannot be filled by election or appointment; to specify the disposition of a firearm when a person meets death under certain circumstances; to specify who pays for the autopsy of an inmate of a state correctional facility; and to make other changes to the coroners' law. (2nd Hearing-Proponent)

HB 305 **RETIREMENT SYSTEMS (Schuring, K.)** To include new nonteaching employees of The University of Akron as members in the Public Employees Retirement System and to make an appropriation for the University's School Employees Retirement System employer surcharge payments. (2nd Hearing-Proponent)

House Finance (Committee Record) (Chr. Smith, R., 466-1366), Rm. 313, 10 a.m.

SB 310 **CAPITAL APPROPRIATIONS (Oelslager, S.)** To make capital appropriations and changes to the law governing capital projects for the biennium ending June 30, 2018. (1st Hearing-Sponsor-Pending referral)

HB 475 **FILM TAX CREDITS (Schuring, K.)** To authorize motion picture companies to transfer the authority to claim refundable motion picture tax credits to other persons, to adjust how the credit is calculated, to increase the total amount of credits that may be awarded per year, to remove the limit on the maximum credit amount that may be awarded to a motion picture, and to create a job training program for resident film crew members. (1st Hearing-Sponsor)

HB 500 **CASE MANAGEMENT (Arndt, S.)** To revise the Comprehensive Case Management and Employment Program, to establish a case management pilot program, to transfer cash from the Economic Development Program Fund (Fund 5JC0) to the Case Management Pilot Program Fund (Fund 5SK0), and to make an appropriation. (1st Hearing-Sponsor)
Senate Insurance (Committee Record) (Chr. Hottinger, J., 466-5838), South Hearing Rm., 10:30 a.m.

HB 207 **WORKERS COMPENSATION (Henne, M., McColley, R.)** To allow a state fund employer to have a workers' compensation claim that is likely to be subrogated by a third party paid from the surplus fund account in the state insurance fund rather than charged to the employer's experience (4th Hearing-All testimony-Possible amendments & vote)

SB 273 **CORPORATE GOVERNANCE (Bacon, K.)** To enact the Corporate Governance Annual Disclosure Act. (2nd Hearing-Proponent)
Canceled: House Session (Chr. Rosenberger, C., 466-3357), House Chamber, 11 a.m.

- **If needed**
Canceled: Senate Rules & Reference (Committee Record) (Chr. Faber, K., 466-7584), Majority Conf. Rm., 11 a.m.
Senate Agriculture (Committee Record) (Chr. Hite, C., 466-8150), North Hearing Rm., 11 a.m.

HB 178 **WINE SALES (Manning, N.)** To establish the F-10 liquor permit to authorize certain A-2 permit holders to sell Ohio wines at farmers markets. (2nd Hearing-All testimony)

HB 342 **WINERY PERMITS (Young, R.)** To create the Ohio Farm Winery Permit. (2nd Hearing-All testimony)

HB 187 **ANIMAL TREATMENT (Ginter, T.)** To authorize specified emergency personnel to provide certain emergency medical services to an injured dog or cat. (2nd Hearing-All testimony)

SB 151 **DOGS LAW (Beagle, B.)** To revise provisions of the Dogs Law governing nuisance, dangerous, and vicious dogs, to revise enforcement of that Law, and to establish a notification process regarding complaints of certain violations of that Law. (3rd Hearing-All testimony)

HB 60 **COMPANION ANIMAL ABUSE (Hall, D., Patmon, B.)** To revise provisions and penalties regarding treatment of companion animals, to revise the definition of "companion animal" in the Offenses Relating to Domestic Animals Law, and to provide a state collaborative effort to assist veterinarians in identifying clients who may use their animals to secure opioids for abuse. (3rd Hearing-All testimony)

Senate Financial Institutions (Committee Record) (Chr. Hughes, J., 466-5981), Finance Hearing Rm., 11:15 a.m.

- **Confirmation hearing on governor's appointments of John Brown, and Jordan Miller, Jr., Banking Commission and Fred DeBiasi, Jr., Savings and Loan Association and Savings Bank Board.**

HB 317 **IDENTITY THEFT (Maag, R.)** To enable the parents or guardian of a protected consumer to freeze that consumer's credit to protect the consumer from identity theft. (2nd Hearing-Proponent)

HB 303 **DEED PROGRAM (Dever, J., McColley, R.)** To create the D.O.L.L.A.R. Deed Program. (3rd Hearing-Opponent)

House Rules & Reference (Committee Record) (Chr. Amstutz, R., 466-1474), Rm. 119, 1 p.m.

HB 429 **AUTO TECHNICIANS (Antani, N., Reineke, B.)** Regarding employers of automotive technicians and motor vehicle technicians participating in the Incumbent Workforce Training Voucher Program. (1st Hearing-Possible amendments & vote)

~~Canceled: Senate Session (Chr. Faber, K., 466-4900), Senate Chamber, 1:30 p.m.~~

~~Canceled: Joint Legislative Task Force on Department of Transportation Issues, Joint Legislative Task Force on Department of Transportation Issues (Chr. Manning, G., 466-9690, Chr. Grossman, C., 466-9690), TBD, 2 p.m.~~

- **Tentative meeting**

House Financial Institutions, Housing & Urban Development (Committee Record) (Chr. Terhar, L., 466-8258), Rm. 113, 2:15 p.m.

HB 418 **SENIOR HOUSING (Barnes, J.)** To enact the "Senior Housing Relief Act" to prohibit the sale of delinquent property tax certificates for homesteads owned for at least 20 years by a person aged 65 or older. (2nd Hearing-Proponent-Possible substitute)

HB 463 **MORTGAGE FORECLOSURES (Dever, J.)** To establish expedited actions to foreclose mortgages on vacant and abandoned residential properties, to permit private selling officers to conduct judicial and execution sales of real property, to state the intent of the General Assembly regarding mortgage foreclosure actions, to revise the Commercial Paper Law relating to mortgages and lost instruments, and to make other changes relative to foreclosure actions. (3rd Hearing-All testimony-Possible amendments)

House Energy & Natural Resources (Committee Record) (Chr. Landis, A., 466-8035), Rm. 017, 2:30 p.m.

HB 512 **WATER SYSTEMS (Ginter, T.)** To establish requirements governing lead and copper testing for community and nontransient noncommunity water systems, to revise the law governing lead contamination from plumbing fixtures, to make appropriations to the Facilities Construction Commission for purposes of providing grants for lead fixture replacement in eligible schools, and to revise the laws governing the Water Pollution Control Loan and

Drinking Water Assistance Funds. (1st Hearing-Sponsor & proponent-
Pending referral)

**House Government Accountability & Oversight (Committee Record) (Chr. Brown, T.,
466-8104), Rm. 121, 2:30 p.m.**

HJR 6 **TERRORIST NATIONS (Johnson, T.)** Proposing to enact Section 18 of Article VIII of the Constitution of the State of Ohio to prohibit state agencies and the state's public retirement systems from contracting with and investing in companies with certain business operations in countries designated as state sponsors of terrorism and to require state agencies and public retirement systems to divest investments from such companies. (2nd Hearing-Proponent)

SB 213 **COSMETOLOGY LAW (Jordan, K., Tavares, C.)** To make changes to the Cosmetology Licensing Law. (2nd Hearing-All testimony)

HB 471 **COMMISSION ELIMINATION (Brown, T.)** To formally abolish certain boards and commissions that have completed their work and to abolish the Compact with Ohio Cities Task Force. (2nd Hearing-Proponent)

HB 476 **STATE CONTRACTING (Schuring, K.)** To prohibit a state agency from contracting with a company that is boycotting Israel or disinvesting from Israel. (2nd Hearing-Proponent)

HB 504 **PUBLIC RECORDS (Schuring, K.)** To generally protect a private, nonprofit institution of higher education from liability for a breach of confidentiality or other claim that arises from the institution's disclosure of public records. (2nd Hearing-Proponent)

House Select Committee on Medical Marijuana (Chr. Schuring, K., 752-2438), Rm. 313, 3 p.m.

HB 523 **MEDICAL MARIJUANA (Huffman, S.)** To authorize the use of marijuana for medical purposes and to establish the Medical Marijuana Control Program. (4th Hearing-All testimony)

Senate Finance (Committee Record) (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 3 p.m.

- **Confirmation hearing on governor's appointments of Susan Block, Ohio Arts Council; Phil Collins, University of Cincinnati Board of Trustees; Michael Flowers, Minority Development Financing Advisory Board; Will Lucas, University of Toledo Board of Trustees; John Martin, Ohio Higher Educational Facility Commission and William Scala and Joseph Gingo, University of Akron Board of Trustees**

HB 50 **ADOPTION ASSISTANCE (Pelanda, D., Grossman, C.)** To extend the age for which a person is eligible for federal foster care and adoption assistance payments under Title IV-E to age twenty-one, to provide a ward's bill of rights, to require that a guardian receive the Ohio Guardianship Guide, and to make an appropriation. (1st Hearing-Sponsor)

- SB 267** **VEHICLE FUELS** (Seitz, B., Peterson, B.) To create the Gaseous Fuel Vehicle Conversion Program, to allow a credit against the income or commercial activity tax for the purchase or conversion of an alternative fuel vehicle, to apply the motor fuel tax to the distribution or sale of compressed natural gas, to authorize a temporary, partial motor fuel tax exemption for sales of liquid and compressed natural gas used as motor fuel, and to make an appropriation. (1st Hearing-Sponsor)
- SB 274** **FINANCIAL LITERACY** (Seitz, B.) To require the Chancellor of Higher Education to create the SmartOhio Financial Literacy Pilot Program at the University of Cincinnati to operate for the 2016-2017 school year and to make an appropriation. (1st Hearing-Sponsor)
- SB 298** **COMMUNITY SCHOOL CONTRACTS** (Schiavoni, J.) Regarding community school operator contracts and the operation of Internet- and computer-based community schools. (1st Hearing-Sponsor)
- House Judiciary (Committee Record) (Chr. Butler, J., 644-6008), Rm. 116, 3:30 p.m.**
- HB 268** **HUMAN TRAFFICKING** (Hall, D., Dever, J.) To expand the list of human trafficking-related convictions and delinquency adjudications that may be expunged, to increase the penalties for compelling prostitution and promoting prostitution, and to authorize intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution. (3rd Hearing-All testimony)
- HB 353** **SEX OFFENDERS** (Ruhl, M.) To require a sheriff to mail a notice to every adult member of a household where a person who is required to register as a sex offender resides informing those household members that the person has committed a sexually oriented offense or a child-victim oriented offense. (3rd Hearing-All testimony)
- HB 439** **VOYEURISM** (Anielski, M.) To include an impaired person as a victim of voyeurism and to include conduct involving an impaired person within the offenses of pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, and illegal use of a minor in a nudity-oriented material or performance. (3rd Hearing-All testimony)
- HB 446** **OVI OFFENSES** (Manning, N.) To specify that the prison term that may be imposed for a third degree felony operating a vehicle while intoxicated ("OVI") offense is a definite period of twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty months, to add "harmful intoxicant" to the definition of "drug of abuse" for the purposes of commercial driver's licensing law, to allow a person to assert the existing affirmative defense of driving in an emergency with regard to a prosecution for driving under a suspended driver's license under specified laws, and to specify that certain enhanced penalties for speeding violations apply regardless of whether the offender previously has been convicted of or pleaded guilty to speeding. (3rd Hearing-All testimony)

HB 488 **CIVIL LIABILITY (Sprague, R.)** To modify the qualified immunity from civil liability for volunteer health care services provided to indigent and uninsured persons and to permit health care professionals to earn continuing education credit by providing volunteer health care services to indigent and uninsured persons. (1st Hearing-Sponsor)

Sunset Review Committee (Committee Record) (Chr. Brown, T., 466-8104), South Hearing Rm., 3:30 p.m.

- The panel will hear testimony from the Ohio Geographically Referenced Information Program Council, Utility Radiological Safety Board, Backflow Advisory Board, Electrical Safety Inspector Advisory Committee, State Fire Council, Citizen's Advisory Council and Student Tuition Recovery Authority. **House Community & Family Advancement (Committee Record) (Chr. Derickson, T., 644-5094), Rm. 114, 4 p.m.**

HB 493 **CHILD ABUSE REPORTING (Sears, B., Ryan, S.)** To make changes in the child abuse and neglect reporting law. (2nd Hearing-Sponsor & proponent)

HB 63 **CHILD ABUSE REPORTING (Pelanda, D., Grossman, C.)** To require mandatory reporters of child abuse or neglect to notify the county public children services agency when an attorney in fact under a document that purports to grant parental rights requests services from them, to require the agency to investigate the child's placement with the attorney in fact, and to require the agency to file a dependency complaint if it determines that the placement is unsafe for the child. (6th Hearing-All testimony-Possible vote)

Senate Transportation, Commerce & Labor (Committee Record) (Chr. LaRose, F., 466-4823), North Hearing Rm., 4 p.m.

- Confirmation hearing on governor's appointment of Scott Williams, State Fire Commission

SB 315 **TRANSPORTATION FUNDING (Manning, G.)** To make supplemental appropriations related to transportation for the biennium beginning July 1, 2015, and ending June 30, 2017, and to declare an emergency. (1st Hearing-All testimony)

Senate Education (Committee Record) (Chr. Lehner, P., 466-4538), Finance Hearing Rm., 4 p.m.

- The panel will hear a presentation from the Department of Education on the Value Added progress measure and consider the governor's appointment of Robert McDonald Jr. to the State Board of Education

HB 113 **CPR TRAINING (Grossman, C., Manning, N.)** To require instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator as a requirement for high school graduation. (1st Hearing-Sponsor)

HB 425 **RELIGIOUS EXPRESSION (Hayes, B.)** Regarding student religious expression. (1st Hearing-Sponsor)

SB 297 **STUDENT EXPULSIONS (Hughes, J.)** With respect to the expulsion of a student from a school district, community school, or STEM school for

communicating a threat of violence to occur on school grounds. (2nd Hearing-Proponent)

Agency Calendar

Board of Building Appeals, Division of Industrial Compliance, 6606 Tussing Road, Training Room 1, Reynoldsburg, 9 a.m.

Health Services Price Disclosure Study Committee, Lazarus Building, 5th Floor, 141 S. High St., Columbus, 9 a.m.

Minority Development Financing Advisory Board, Rm. East B., 31st Fl., 77 S. High St., Columbus, 10 a.m.

Racing Commission, 77 South High St., Room West B & C - 31st Floor, Columbus, 10 a.m.

Event Planner

League of Women Voters of Ohio's annual Statehouse Day

CFAES Research and Extension Legislative Luncheon (Ohio State University), Statehouse Atrium, Columbus, 11 a.m.

Ohio House Democratic Caucus fundraiser, Rambling House, 310 E. Hudson St., Columbus, 5 p.m., (Sponsor: \$2,500, \$1,000, \$500, \$250 to House Democratic Caucus Fund and/or Committee to Elect Fred Strahorn)

Rep. Barbara Sears (R-Monclova Township) fundraiser, Athletic Club of Columbus - Tally Ho Room, 136 E. Broad Street, Columbus, 5 p.m., (Chair: \$1,000; Sponsor: \$500; Individual: \$350 to Citizens for Sears)

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Ohio Report for Monday, April 25, 2016

House Education Panel To Examine Value-Added Report Card Measure

Bill To Extend Energy Freeze Introduced In Senate

Democrats Urge Feds To Reject Proposed 'Healthy Ohio' Medicaid Waiver

Gentile Heads Into Fall Election Cycle With Fundraising Lead Over Opponent; GOP Caucus Leaders Hold Huge Cash Advantage; DeWine Leads In High Court Funding

State Tax Credits Aimed At Creating, Keeping Total Of 1,066 Jobs

Sierra Club Pushes For Public Disclosure Of FirstEnergy PPA Projections

Kasich, Cruz Unveil Truce To Stop Trump; Billionaire Rips Plan

Court Briefs: Pike County Crime Scenes Also Sites Of Marijuana Growing Operations; Cleveland Settles Civil Suit With Family Of Tamir Rice

Agency Briefs: Auditor Says Village Of Lincoln Heights Doesn't Qualify For Fiscal Distress; ODH; EPA; CSRAB; BMV; MHAS

Capitol Scene: Willoughby Moves To AMP; SEIU, Boich Promote

Supplemental Agency Calendar

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Senate

Calendars

Day Planner

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Volume #85, Report #79 -- Monday, April 25, 2016

House Education Panel To Examine Value-Added Report Card Measure

The House Education Committee this week will begin a deep dive into a state report card measure that's been the subject of debate over its accuracy in determining how much students are improving each year.

The panel will consider for the first time what the chairman has described as a "placeholder bill" (HB 524) that allows for discussion of the value-added report card measure, which reflects how much academic progress students made over the course of a year.

The bill comes in response to recent attempts from some advocacy groups to push the state toward using another measure in addition to, or instead of, "value-added" so that students' progress can be better compared to peers who are similar to them as opposed to their own previous test results, Chairman Rep. Andy Brenner (R-Powell) said.

The Ohio Coalition for Quality Education, a charter school advocacy group, recently lobbied for an amendment in a Senate priority measure (SB 3) that would add the similar students measure to the state report card. It pushed for the same addition in a charter school overhaul bill (HB 2) last year. (See Gongwer Ohio Report, February 22, 2016)

While the former bill could still be a vehicle for potential report card changes, Rep. Brenner said he felt the value-added versus similar students debate deserved separate consideration for now.

"I think they need to be vetted in their own bill and I think we need to have various groups come in and explain why we're doing things the way we are and what's included in it and what the importance is for each," he said in an interview.

Department of Education staff, who have lauded value-added as the best indicator of student success that's being used in the country, will explain how it is calculated during the committee's Wednesday morning meeting.

Rep. Brenner said the panel, which could meet twice the following week to consider the bill, will eventually hear from the measure's creators from Battelle for Kids.

"Many groups want to know what really are the components so we have a better understanding of it," he said. "If they knew a little more about how (value-added) was calculated for instance, they might have a better understanding of what they need to adjust in their school to meet the growth measures."

OCQE has argued that value-added doesn't adequately evaluate schools that have highly mobile and impoverished students, which are often charters and those in urban communities. That's because it's based on how students did last year - possibly at a different school - and doesn't compare them to similar students attending schools that share demographics.

The Ohio 8 Coalition, which has raised similar concerns about report cards not reflecting the uniqueness of each school in the state, will be encouraged to take part in the committee's conversation on value-added, Rep. Brenner said.

Rep. Ryan Smith (R-Bidwell), who is sponsoring the measure with Rep. Bob Cupp (R-Lima), said he's not going into the process with preconceived notions about how to approach value-added or similar students measures.

"I don't have any goals necessarily; it's more of an education for me," he said in an interview. "If we find something that we think we need to do over and above value-added, I'm willing to have that conversation, but before we can get there we need to figure out how value-added measures work. I want to have a discussion with all parties involved because 1.8 million kids in the state are counting on us to get it right."

However, much like the Thomas B. Fordham Institute has found through its research, Rep. Smith said value-added is a "really good concept" because achievement can be measured individually and sometimes reflects how well a school is doing in helping students progress despite not seeing high test scores.

"What's important and I'm really interested in is making sure that every student is making progress, not necessarily all getting 100% on their tests, but that they're making progress from where they've started and that's why I think value-added is very intriguing to me because it levels the playing field," he said.

The Fordham Institute, which sponsors charter schools, recently released a report touting value-added as being the key to uncovering best practices in high-poverty urban schools. (See Gongwer Ohio Report, March 11, 2016)

Such schools universally receive low overall marks on state report cards, but some receive high value-added ratings, according to the report.

Per House Bill 2, which was enacted earlier this year, ODE is researching the similar students measure and is required to submit a report regarding its findings and recommendations by Dec. 1.

Rep. Brenner said the discussion about how to improve school report cards and the how data is being used in the long term could likely be continued through the Joint Education Oversight Committee.

Bill To Extend Energy Freeze Introduced In Senate

Sen. Bill Seitz (R-Cincinnati) on Monday introduced his much-awaited bill to extend the ongoing renewable energy mandates freeze by three years.

In its major components, the bill (SB 320) is much the same as a draft circulated by Sen. Seitz last week to gauge stakeholder input. (See Gongwer Ohio Report, April 13, 2016)

It maintains the draft's 2019 end date for the freeze, while eliminating compliance measurements for the years 2021-22, 2023-24, and 2026-27.

It also keeps intact draft language prohibiting any state agency from issuing certain guidelines on carbon dioxide emissions, electric dispatch protocols, natural gas utilization, or regulating the acquisition of renewable energy and more "without new and specific state statutory authority to do so."

Several interested parties on both sides of the issue said Monday they had not yet had time to examine the final bill, which was introduced late in the afternoon. But in addition to continuing the freeze, opponents have expressed concerns the draft version would water down the definition of energy efficiency and remove flexibility from the state's response to the Clean Power Plan.

The bill as introduced would expand the definition of energy efficiency to include post-consumer recycled glass by mercantile customers, consumer reductions in water usage, and improvements in wastewater treatment. It would also expand the consumer base eligible for opting out of energy efficiency programs.

Whether Gov. John Kasich would sign such a bill remains to be seen. The governor last year blasted the Energy Mandates Study Committee's recommendation to continue the freeze. (See Gongwer Ohio Report, September 30, 2015)

Governor's office spokesman Joe Andrews declined to comment in detail on the introduced bill, which he said could change by the time it hits the governor's desk.

But Mr. Andrews said the governor has been clear on his opinion on continuing the freeze. Gov. Kasich previously called the idea of an indefinite continuation "unacceptable."

When it comes to the idea of a three year extension, Mr. Andrews said the governor's reaction will be much the same.

"It's still kicking the can down the road," Mr. Andrews said.

At an April 19 campaign stop in Maryland, Gov. Kasich said he has "leverage" over lawmakers in the discussion, according to video from CSPAN.

"They're going to have to come with a commonsense plan because if they try to kill it we'll go back to the unattainable level that was set," Gov. Kasich said. "That's called leverage. I have leverage."

He urged promoting efficiency and renewables, while criticizing politicians for setting the standard "at a level we can't meet."

"So we want to have energy," he said. "The problem was the legislature got carried away at one point and our standards were 20 or 25% and they wanted to get rid of it. I said no, we're not going to do it. We'll reset it to fit the economy of Ohio."

Democrats Urge Feds To Reject Proposed 'Healthy Ohio' Medicaid Waiver

Democrats said Monday that a proposed Medicaid waiver to require participants to pay into an account is an effort to roll back the efforts after the Affordable Care Act to increase access to coverage.

U.S. Sen. Sherrod Brown (D-Avon) joined state lawmakers at a Statehouse news conference to oppose the so-called "Healthy Ohio" plan, which Sen. Brown said he is actively urging the federal Center for Medicare and Medicaid Services to reject.

"We're asking them to reject this application and say no to hiking costs for people all across Ohio," he said. "We're going to do all we can to deny the Ohio waiver because it clearly cuts at the heart of the Medicaid."



Sen. Brown

The state is required to pursue the waiver because of language written into the biennial budget bill (HB 64). It would create a five-year demonstration program in which about 1.5 million people on Medicaid are required to pay into a modified health savings account called a Buckeye Account in order to receive coverage. The participant's contributions to the account would be used to pay for co-pays. (See Gongwer Ohio Report, April 22, 2016)

Supporters of the program, including state Rep. Jim Butler (R-Oakwood), have said it will improve personal responsibility among people on Medicaid and create incentives for more people to take advantage of primary and preventative care.

Since the waiver was opened for public comment April 15, opponents have criticized it as a way in which legislators have tried to undo the progress of Medicaid expansion. Medicaid participants who don't make the required contributions to the Buckeye Account - 2% of their income up to \$99 per year - would lose coverage.

"I believe this could be a prescription for disaster for many of Ohio's most vulnerable, especially in the fact that it could create a serious setback to the health of many low-income Ohioans," Rep. Nickie Antonio (D-Lakewood) said Monday. "We run the risk of driving hard-working Ohioans away from preventative and maintenance care in a doctor's office and pushing them back into the emergency room."

"We must expose the Healthy Ohio waiver for the Trojan horse that it is," she added.

Rep. Antonio said the proposal is similar to one in Indiana that the state later rolled back.

"They went back on it because what they were finding was that the health outcomes were not helpful once they instituted the premiums," she said.

Rep. Butler, one of the architects of the plan, said the Healthy Ohio plan is similar to the original Indiana plan but with some changes. The Healthy Ohio program doesn't lock people out of reapplying for Medicaid if they lose coverage, he said, it allows people to regain coverage once they start making payments again. The Ohio program also allows people who move to private insurance to take the money in their Buckeye Account with them in a bridge account, he said.

Rep. Butler said the Indiana plan, which was implemented in 2008, was successful.

Without doing something to control costs in Medicaid, Rep. Butler said, the state could face financial struggles with rising costs.

"Doing nothing is not a plan," he said in a Friday interview. "I'm open to suggestions. Come with a solution rather than just spend more money, because that's just unsustainable."

Sen. Kenny Yuko (D-Richmond Hts.) said he expected the Healthy Ohio program would lead to higher administrative costs for the state and wouldn't lead to the health outcomes Rep. Butler expects.

"When push comes to shove, we're going to see very little benefit of this for a whole lot of work," he said.

Rep. Antonio said the program could jeopardize coverage for new mothers, something that wouldn't help the state's high infant mortality rates.

Sen. Brown said the fact that some people would be kicked off of Medicaid means many would stay off of it and go back to using hospital emergency rooms without being able to pay the bills. That would cost everyone more money as hospitals go back to having to

cover some of the nearly \$2.3 billion in uncompensated care from before the passage of the Affordable Care Act.

The proposal goes against the idea of Medicaid, he said.

"When people are rejected from something, that makes it that much more difficult to come back," Sen. Brown said. "The whole promise to people was we'll have a compact with you. You will show up for maintenance and preventative care as well as showing up when you have an acute crisis or health problem and we'll provide the care at no cost."

The comment period on the waiver runs through May 16. The final public hearing is scheduled for Tuesday at 2 p.m. in Cincinnati.

Gentile Heads Into Fall Election Cycle With Fundraising Lead Over Opponent; GOP Caucus Leaders Hold Huge Cash Advantage; DeWine Leads In High Court Funding

Republicans' top Senate target in this fall's elections has a commanding lead thus far in the money race.

Sen. Lou Gentile (D-Steubenville) has built a campaign war chest of \$428,401 in his bid to retain his seat in the 30th Senate District, according to post-primary campaign finance reports.

Post-primary reports include all activity from Feb. 25 to April 15.

Sen. Gentile spent just \$8,110 over that period, while raising \$102,251.

His opponent, Frank Hoagland, a retired Navy SEAL who owns START LLC in Mingo Junction, reported a balance of \$6,358 on hand. He raised \$9,624 and spent \$7,396.

Despite his cash shortcomings, Mr. Hoagland is expected to see a lot of support from the well-heeled Republican Senate Campaign Committee. (See Gongwer Ohio Report, April 22, 2016) Given the politically lopsided, non-competitive nature of most of the GOP-drawn Senate districts, the majority won't have a lot of choices on where to spend its considerable cash advantage.

After spending \$102,351 in his primary victory against Reps. Mike Dovilla (R-Berea) and Nan Baker (R-Westlake) in the 24th Senate District's primary election, former lawmaker Matt Dolan has just \$7,892 on hand, according to his filing. He received \$25,967 in donations during the period.

His Democratic opponent, Emily Hagan, staff attorney for Cuyahoga County Common Pleas Court Judge Michael P. Donnelly, has \$68,904 on hand. She raised \$27,460 and spent \$3,750 during her uncontested primary election.

On the House side, in the race to replace term-limited Rep. Debbie Phillips (D-Albany) Republican Jay Edwards has a commanding fundraising lead, with \$42,852 on hand. He received \$4,600 in donations and spent just \$2,500 during his uncontested primary.

Democrat Sarah Grace has just \$1,742 on hand. She raised \$3,545 and spent \$6,738 in defeating fellow Democrat Eddie Smith in the primary election in the 94th House District.

In the race for the 89th House District seat, Rep. Steven Arndt (R-Port Clinton), who narrowly defeated former Rep. Chris Redfern during the previous election cycle, has a slight fundraising deficit over his Democratic challenger.

Rep. Arndt has \$2,442 on hand after raising \$5,300 and spending \$5,100. His challenger, Lawrence Hartlaub, has \$4,590 on hand. He raised \$3,135 and spent \$2,359.

In the race for the 95th House District seat, Belmont County Commissioner Ginny Favede holds a significant fundraising advantage over incumbent Rep. Andy Thompson (R-Marietta).

Ms. Favede has \$39,941 on hand. She raised \$11,092 and spent \$1,132. Rep. Thompson, meanwhile, has \$4,220 on hand. He raised \$5,360 and spent \$10,416.

Democrat Bobby McDowall holds a fundraising advantage over Rep. Anthony DeVitis (R-Green) in the race for the 36th House District seat, which the incumbent won with 52.5% of the vote in the last presidential cycle.

Mr. McDowall has \$13,974 on hand after raising \$6,070 and spending \$2,258.

Rep. DeVitis has \$3,459 on hand. He raised \$10,115 and spent \$10,118.

Although he is expected to cruise to victory in his race against Democrat John Carlisle in the heavily conservative 72nd House District, former House Speaker Larry Householder has accumulated \$66,250 after spending \$75,187 and raising \$47,395.

Leadership: Republican leaders of both chambers have plenty of cash to spread around in the general election.

Senate President Keith Faber (R-Celina) has \$420,795 on hand after spending \$17,449.

He raised \$163,147, with his largest contributions - \$12,532 each - coming from Political Education Patterns and Cynthia and Wayne Boich.

He also received \$10,000 donations from the Ohio Health Care Association PAC; the Realtors PAC; GOPAC Election Fund; the PAC for Equine Racing; J.C. Huizenga; and Karen Wright.

House Speaker Cliff Rosenberger (R-Clarksville) has \$178,648 on hand after spending \$27,615.

He received \$131,280 in contributions, including \$12,500 from FirstEnergy PAC, \$12,000 from the Realtors PAC and the Wholesale Beer and Wine Association PAC.

He also received donations of \$5,000 from Cardinal Health PAC; Marathon Petroleum Corporation Employees PAC; CCG PAC; and the Ohio State Chiropractic Association PAC.

His counterpart, Minority Leader Strahorn (D-Dayton), had \$2,593 on hand. He spent \$26,407 and raised \$23,525.

His largest contributions came from FirstEnergy PAC, which donated \$4,000, Laborers District Council of Ohio PAC, which donated \$2,500, and the Ohio Association for Justice, which also donated \$2,500.

Senate Minority Leader Joe Schiavoni (D-Boardman) did not file a post-primary campaign finance report.

Supreme Court: First District Court of Appeals Judge Pat DeWine, a Republican, has more cash on hand than the other three high court candidates combined.

Judge DeWine is sitting on a campaign war chest of \$538,602 after spending \$41,486 and raising \$74,780 during the most recent reporting period.

He faces Eleventh District Court of Appeals Judge Cynthia Rice in the general election. The Democrat has \$76,310 on hand. She spent just \$3,226 and raised \$26,850.

In the other race for an open seat Cuyahoga County Common Pleas Court Judge John O'Donnell, a Democrat who lost a bid for a high court seat in 2014, has \$60,944 on hand. He spent \$23,043 and raised \$30,070.

His opponent, First District Court of Appeals Judge Pat Fischer, has \$29,220 on hand after spending \$121,579 to dispatch opponent Eleventh District Court of Appeals Judge Colleen Mary O'Toole in the Republican primary. He raised \$64,625 in the reporting period.

State Tax Credits Aimed At Creating, Keeping Total Of 1,066 Jobs

Seven business expansion projects were awarded an estimated total of about \$1.64 million in tax credits Monday under multi-year deals with the state that are expected to create 530 jobs and retain 536.

The Tax Credit Authority reported that the projects are expected to result in \$21,241,653 in new payroll and lead to \$24.1 million in additional investments.

The largest incentive, with an estimated value of \$590,000 contingent on the business meeting its growth targets and other factors, went to **EBTH.com LLC**, according to the state.

The online estate sale company received a 1.259%, seven-year Job Creation Tax credit to locate its business in a yet-to-be-determined site in the state. The company plans to create 275 full-time positions generating \$7.7 million in new annual payroll while retaining \$3.3 million in payroll, TCA reported.

The next largest tax credit, valued at an estimated \$428,000, went to **ATK Space Systems, Inc.**, a supplier of rocket motors and other space systems with locations in Kettering and Beavercreek. The company projects it will create 68 full-time jobs with a consolidation involving the two locations, in the process creating \$4.3 million in payroll and retaining \$8 million in payroll, TCA reported. The authority awarded a 1.701%, seven-year JCTC for the project.

Other tax credits approved Monday went to (estimated tax value):

GENCO I, Inc. of Columbus, which expects to create 82 jobs generating \$3 million in new annual payroll with its new project. The logistic services provider received a 1.153%, six-year tax credit (\$192,000).

Ball Metal Food Container, LLC of Columbus plans 50 new full-time positions generating \$2.5 million in annual payroll while retaining \$10.8 million in payroll under an expansion. The TCA approved a 1.228%, six-year JCTC for the packaging manufacturer's project (\$184,000).

Cognitive Ventures, LLC of Dublin expects to create 17 positions and generate \$1.6 million in new payroll by locating in the Franklin County suburb. The concussion testing and management company received a 1.426%, six-year tax credit (\$116,000).

Risk International Services, Inc. of Fairlawn in Summit County plans to create 18 full-time jobs entailing \$1.3 million in payroll while retaining \$4 million in payroll under an expansion. The TCA awarded the risk management firm a 1.401%, six-year JCTC (\$100,145).

Rotex Global, LLC of Cincinnati expects to create 20 full-time positions generating \$867,616 in payroll and retain \$9.9 million in payroll with an expansion project. The provider of dry material screening equipment and technology was awarded a 0.722%, five-year tax credit (\$29,000).

Sierra Club Pushes For Public Disclosure Of FirstEnergy PPA Projections

The fallout of recently approved Power Purchase Agreements continues as FirstEnergy and the Sierra Club argue over whether confidential consumer cost estimates and revenue projections should be made public.

The debate is laid out in the latest filings in a case involving the PPA modified and approved March 31 by the Public Utilities Commission of Ohio. (See Gongwer Ohio Report, March 31, 2016)

In that order, the commission generally approved an eight-year plan for consumers to ensure profits on the company's aging power plants. Now PPA opponent Sierra Club is attempting to make public internal FirstEnergy projections the group says show how much the plan might cost customers.

The projections in question stem from the December testimony of Sierra Club witness Tyler Comings, a senior associate at Massachusetts-based Synapse Energy Economics Inc. In redacted portions of that testimony, according to FirstEnergy's PUCO filing, Mr. Comings discussed "a certain projection regarding the alleged cost of Rider RRS" over the terms of the Electric Security Plan.

The Sierra Club, in its own filing, referred to the information as a "projection of costs and revenues" under the rider "including a calculation of the net impact that the Rider RRS would have on customers over the eight-year term using FES's forecast of market prices."

On Friday, the Sierra Club moved to modify the existing protective order issued during prior proceedings, requesting the PUCO modify the order to allow the information to become public. It argues the projection would assist the public in understanding and interpreting the PUCO's recent order and that it's not dissimilar from previous information made public during the hearing process.

"This projection, which contains no plant-specific data, is not a trade secret and therefore should be removed from the scope of the commission's protective order," Sierra Club argued.

"Because disclosure of the FES projection would facilitate the public's review and understanding of the Commission's decision, and because this projection is not a trade secret, this information should be publicly released," the group continued.

In its own filing Friday, the company disagrees, accusing the group of "threatening" to release trade secrets. FirstEnergy's motion is for the PUCO to maintain its existing protective order, which it said would keep that projection outside the public domain.

"This projection was generated using inputted confidential and proprietary cost and revenue projections that FES provided to Sierra Club in response to a subpoena request," reads FirstEnergy's filing. "Disclosure of this material could economically harm FES by placing FES at a competitive disadvantage."

On April 15, Sierra Club attorneys wrote to FirstEnergy, advising the company it intended to make the information public "because they do not contain any trade secrets," according to copies of an email exchange submitted to the PUCO as an exhibit.

"Apparently frustrated with the Commission's decision, Sierra Club has now decided to resort to self-help and has threatened to insert this already protected information into the public domain," FirstEnergy argued in its filing.

That email kick-started the filings, prompting a PUCO attorney examiner to set a Tuesday deadline by which parties may file responses to the motions. No replies to those arguments will be considered, the examiner determined.

Kasich, Cruz Unveil Truce To Stop Trump; Billionaire Rips Plan

GOP frontrunner Donald Trump blasted Gov. John Kasich and Texas Sen. Ted Cruz, accusing the two trailing Republicans of a desperate attempt at "collusion."

Mr. Trump's statement followed news that the Cruz campaign will lay off New Mexico and Oregon, allowing Gov. Kasich a clear shot at challenging Mr. Trump, while the Kasich camp agreed to cede Indiana to the senator.

The two haven't gone as far as to urge their supporters to vote for the other candidate - in contrast Gov. Kasich on Monday said his Indiana supporters "ought to vote for me" - but the pair has essentially agreed to not spend money in those respective states and are publicly urging their super PACs to do the same.

By doing so, the pair - each of which has been mathematically eliminated from seizing the nomination prior to a contested convention - hopes to launch a two-front attack that will block Mr. Trump from collecting the required 1,237 delegates.

"It is sad that two grown politicians have to collude against one person who has only been a politician for 10 months in order to try and stop that person from getting the Republican nomination," Mr. Trump said in his statement.

If successful, the gambit would force a contested convention, where both Sen. Cruz and Gov. Kasich believe they stand a shot at earning the nomination on the second ballot or beyond. But strategists for the two temporary allies were quick to say the truce only stands in those three states.

"Our goal is to have an open convention in Cleveland, where we are confident a candidate capable of uniting the party and winning in November will emerge as the nominee," Kasich Chief Strategist John Weaver said. "We believe that will be John Kasich, who is the only candidate who can defeat Secretary Clinton and preserve our GOP majority in the Congress."

Cruz Campaign Manager Jeff Roe, in his statement, said Mr. Trump would be a down-ballot "disaster" who would get "blown out" by either Democratic contender.

"To ensure that we nominate a Republican who can unify the Republican Party and win in November, our campaign will focus its time and resources in Indiana and in turn clear

the path for Gov. Kasich to compete in Oregon and New Mexico, and we would hope that allies of both campaigns would follow our lead."

Mr. Trump, in response, said the Cruz campaign is "in free fall" and criticized Gov. Kasich for having fewer delegates than Sen. Marco Rubio who dropped out of the race more than one month ago.

"This horrible act of desperation, from two campaigns who have totally failed, makes me even more determined, for the good of the Republican Party and our country, to prevail!" Mr. Trump said.

The tight race, in which every delegate Mr. Trump earns could be the last inch he needs to cross the 1,237 delegate threshold, has shifted more importance toward late voting states like Indiana, which heads to the polls May 3.

Indiana has 57 delegates - 30 which go to the state winner, and 27 others allotted to winners by congressional district. Recent polling continues to show Gov. Kasich lagging in Indiana, making Sen. Cruz the more competitive of the two.

An April 20-22 CBS News/YouGov poll found Mr. Trump at 40%, Sen. Cruz at 35% and Gov. Kasich at 20%. An April 18-21 Fox News poll found Mr. Trump (41%) similarly leading Sen. Cruz (33%) and Gov. Kasich (16%). A WTHR/HPI poll showed Mr. Trump at 37%, followed by Sen. Cruz (31%) and Gov. Kasich (22%).

"Due to the fact that the Indiana primary is winner-take-all statewide and by congressional district, keeping Trump from winning a plurality in Indiana is critical to keeping him under 1,237 bound delegates before Cleveland," Mr. Weaver said. "We are very comfortable with our delegate position in Indiana already, and given the current dynamics of the primary there, we will shift our campaign's resources west and give the Cruz campaign a clear path in Indiana."

Tuesday: Recent polls show Gov. Kasich in second in four northeastern states voting this week, while he battles Sen. Cruz in an effort to reach second in Pennsylvania. In addition to the Keystone State, Rhode Island, Connecticut, Maryland and Delaware vote Tuesday.

Recent Pennsylvania polls - from the left-leaning Public Policy Polling, CBS News/YouGov, and NBC/*Wall Street Journal*/Marist - show the governor in third, three or four points behind Sen. Cruz. In those polls, Sen. Cruz lags Mr. Trump by between 18-26 points. An April 21-24 poll from American Research Group showed Mr. Trump at 50%, Sen. Cruz at 23% and Gov. Kasich at 21%.

Rhode Island's recent polls show Gov. Kasich in a distant second. PPP's April 22-24 poll had him at 23%, down 38 points from Mr. Trump's 61% and 10 points above Sen. Cruz. Brown University, in an April 19-21 poll, found Mr. Trump at 38%, followed by Gov. Kasich (25%) and Sen. Cruz (14%).

In other states, PPP's April 22-24 Connecticut poll placed Mr. Trump at 59%, ahead of Gov. Kasich (25%) and Sen. Cruz (13%). An April 21-24 ARG poll of Maryland found Mr. Trump leading Gov. Kasich 55-21%, followed by Sen. Cruz (19%). And in Delaware, the only poll to date, conducted April 17-18 by Gravis, found Mr. Trump at 55%, Gov. Kasich at 18% and Sen. Cruz at 15%.

Vice President: The Kasich campaign recently began vetting potential vice presidential candidates, Gov. Kasich said in a Sunday CBS interview.

Asked whether he plans to unveil the VP candidate prior to the convention in order to make the Kasich ticket more attractive to delegates, Gov. Kasich didn't close the door on the idea.

"These things come quickly and you don't want to have yourself in a position where you've got to pick somebody out of a hat," Gov. Kasich said.

Endorsements: Endorsing Gov. Kasich in recent days were the *Baltimore Sun*, the *Philadelphia Enquirer*, the *Lewistown (Penn.) Sentinel*, and former Pennsylvania U.S. Rep. Melissa Hart. The campaign also expanded its Washington leadership team.

Court Briefs: Pike County Crime Scenes Also Sites Of Marijuana Growing Operations; Cleveland Settles Civil Suit With Family Of Tamir Rice

Three of the four Pike County locations at which law enforcement officials on Friday discovered the bodies of eight individuals housed marijuana growing operations, Attorney General Mike DeWine said at a news conference Sunday.

Mr. DeWine did not say the murders and the marijuana growing operations are linked. He said investigators have not ruled out the possibility that there was more than one killer involved.

He also cautioned that the investigation could be lengthy.

"This was a pre-planned execution of eight individuals. It was a sophisticated operation and those who carried it out were trying to do everything they could do to hinder the investigation and their prosecution," he said at the news conference.

Eighteen pieces of evidence are being analyzed for forensics and ballistics at the Bureau of Criminal Investigation crime lab, five search warrants have been executed, more than 50 people have been interviewed and more than 100 tips have been received about the case, according to Mr. DeWine.

Also over the weekend, the attorney general's office released the names of the victims, all of whom are members of the same family and ranged in age from 16 to 44. On Monday, the attorney general's office released a chart to explain the familial relationships of the victims.

Pike County Sheriff Charles Reader said at the news conference that he has spoken to remaining members of the family and advised them to be armed.

Cincinnati restaurant owner Jeff Ruby is offering a \$25,000 reward for information that results in the arrest and conviction of anyone involved in the killings.

The attorney general's office on Monday also announced that autopsies had been completed on all eight victims.

Anyone with information on the case is asked to call 1-855-BCI-OHIO or the Pike County Sheriff's Office at 740-947-2111.

Rice Settlement: The city of Cleveland and the family of Tamir Rice have reached a settlement in a civil suit over the shooting death of the 12-year-old boy.

The family will receive \$6 million over the course of two years, according to the settlement approved by U.S. District Judge Dan Polster. The settlement will also require the approval of a Cuyahoga County Probate Court judge.

Mr. Rice was killed by Cleveland police officer Timothy Loehmann in November 2014 after receiving reports of someone in a park with a gun. Mr. Rice was wielding a toy gun at the time of the shooting.

A grand jury late last year declined to bring any charges against Mr. Loehmann for the shooting. (See Gongwer Ohio Report, December 28, 2015)

The lack of charges has led some to call for changes to the grand jury process in Ohio in cases of officer-involved shootings. (See Gongwer Ohio Report, January 14, 2016)

A task force created by Ohio Supreme Court Chief Justice Maureen O'Connor to improve public confidence in the system is also exploring the issue. (See Gongwer Ohio Report, April 1, 2016)

In the wake of the settlement, the ACLU of Ohio called for reforms to the criminal justice system.

"Money alone cannot provide justice in the tragic death of this child," Executive Director Christine Link said in a statement. "The web of laws and practices that prevent accountability for police misconduct needs to be taken apart and replaced with concrete solutions to eliminate racial bias in the justice system. Merely paying for police misconduct without addressing the deeper issues will allow this behavior to continue year after year."

Agency Briefs: Auditor Says Village Of Lincoln Heights Doesn't Qualify For Fiscal Distress; ODH; EPA; CSRAB; BMV; MHAS

The Village of Lincoln Heights in Hamilton County doesn't meet the standards for fiscal distress status, State Auditor Dave Yost announced Monday.

Auditor Yost sent a team of auditors to the community April 21, and staff will continue to work in the village as part of its regularly scheduled financial audit.

The village did not meet the conditions for any of the three levels of fiscal distress - fiscal caution, fiscal watch or fiscal emergency - because it is current on pension obligations and its payables, including obligations to the Hamilton County Sheriff's Office, are within 30 days of being paid, according to the auditor's office.

"While the village's budget continues to be tighter than two coats of paint, it's paying its bills," Auditor Yost said in a statement. "The village doesn't meet the standards for any type of fiscal distress oversight. We have been and remain concerned about its fiscal health and will continue to monitor the situation."

Health: The Centers for Disease Control and Prevention issued guidance for outdoor workers, mosquito control workers and business travels to prevent exposure to the Zika virus, according to ODH.

Ohio has 10 confirmed cases of Zika involving people who returned from affected countries.

For outdoor workers, the CDC recommends workers use insect repellants, wear clothing that covers hands, arms, legs and other exposed skin and get rid of sources of standing water whenever possible. For mosquito control workers, the CDC also recommends they use protection to reduce exposure to hazardous chemicals.

Employers should consider giving business travelers flexibility when traveling to areas with active Zika transmission. The CDC also recommended that pregnant women not travel to any affected area, and that people who return to the U.S. from affected areas try to avoid mosquito bites for three weeks to prevent passing the virus to domestic mosquitoes.

"Workers who are exposed on the job to mosquitoes or the blood or other body fluids of infected individuals may be at risk for occupationally acquired Zika virus infection," ODH Medical Director Dr. Mary DiOrio said in a statement.

ODH will hold a workshop Tuesday to help local health departments and others prepare for mosquito season. The workshop will focus on monitoring and controlling mosquitoes who carry diseases such as Zika and West Nile Virus.

Ohio EPA: The EPA awarded grants totaling more than \$1.6 million to local governments to strengthen recycling and litter prevention efforts. The grants are designed to help expand curbside recycling programs and support infrastructure for recovery facilities.

Grant communities must commit to 50% matching funds.

The EPA also awarded grants for two projects to help companies develop markets for reusing scrap tires.

The agency awarded \$350,000 to Liberty Tire Services of Ohio LLC, in partnership with Jackson Township, to purchase scrap tire processing equipment. A \$50,000 grant went to the Cuyahoga County Soil and Water Conservation District and the St. Clair Superior Development Corporation to buy processing equipment to create geo cells made of scrap tire material.

Ohio Statehouse: The Capitol Square Review and Advisory Board will mark the 151st anniversary of the repose of President Abraham Lincoln's body in the Statehouse Friday with an event involving a group of Civil War reenactors who will provide an honor guard for a replica of the president's casket.

The event will take place in the rotunda from 10 a.m. to 3 p.m. The 1st Ohio Light Artillery, Battery A reenactors will also hold a Civil War encampment on the grounds of the Statehouse, including cannon firings every half hour.

Bureau of Motor Vehicles: The BMV unveiled a new specialty license plate for female veterans, which was available starting Monday.

The plate is available for any woman currently serving or retired from the Marine Corps, Navy, Army, Air Force and Coast Guard.

"We are proud of these brave women who have served our country, and are pleased that Ohioans can now honor them by displaying the new special plate on their vehicle," BMV Registrar Don Petit said in a statement.

More than 67,000 female veterans live in Ohio. The new plate is one of 40 military-related specialty plates.

"Ohio's women veterans are groundbreakers," said Department of Veterans Services Director Chip Tansill, "They have served with distinction in every war and we thank them for their role in preserving and protecting our freedom."

Mental Health and Addiction Services: Director Tracy Plouck testified before a public hearing of the U.S. Senate Committee on Homeland Security and Governmental Affairs Friday in Cleveland. The hearing was focused on the impact of the opioid epidemic in Ohio, and included Sens. Rob Portman (R-Terrace Park) and Sherrod Brown (D-Avon).

Director Plouck joined Attorney General Mike DeWine and others in testifying about the battle against opioid addiction.

Capitol Scene: Willoughby Moves To AMP; SEIU, Boich Promote

Charles Willoughby, who most recently worked as director of energy and environmental policy at the Ohio Chamber of Commerce, has been named director of government affairs for American Municipal Power, Inc.

In the new role, Mr. Willoughby will be the primary Statehouse contact for AMP and the Ohio Municipal Electric Association.

"Charles will work closely with AMP and the Ohio Municipal Electric Association (OMEA) on behalf of our member utilities," said Michael Beirne, vice president of external affairs. "The issues confronting Ohio's municipal electric systems are many and often complex. His background and knowledge will be a great asset to the organizations and our members."

Before joining the Chamber, he was a government affairs consultant to the Industrial Energy Users - Ohio and was policy and legislative liaison for Ohio Attorney General Mike DeWine. He also held staff positions for Rep. Kirk Schuring (R-Canton) when he served in the Senate, and for former Rep. Courtney Combs.

Mr. Willoughby is a graduate of Miami University.

Service Employee Union: SEIU District 1199 announced that Anthony Caldwell has been named director for public affairs.

"We are pleased to announce Anthony Caldwell as our new Director of Public Affairs for SEIU District 1199 WV/KY/OH," president Becky Williams said. "Anthony has spent his career dedicated to improving the lives of working people and working to achieve greater social and economic justice. Caldwell's experience in communications and politics matched with his depth of knowledge of the legislature have prepared him to lead in this important role."

The group is the health care and social service union for West Virginia, Kentucky and Ohio, representing almost 29,000 workers.

Boich: The Boich Companies announced that Mathew T. Evans has been named the firm's president.

In the new position, Mr. Evans will take an increased leadership role as the company continues to diversify in energy markets.

"Obviously, the energy mix in this country has and will be seeing significant changes," Mr. Evans said. "I look forward to helping the company further evolve as we move into the future."

Before the promotion, Mr. Evans was president of external relations for Boich Companies. He joined the company in 2001, and leads the company's government affairs activities at state and federal levels.

Mr. Evans is a former Ohio Senate aide who also worked for former Gov. George V. Voinovich. He also spent five years working in legislative and regulatory affairs for Cinergy, now known as Duke Energy. He is a graduate of Ohio University.

Supplemental Agency Calendar

Tuesday, April 26

Racing Commission, 77 South High St., Room West B & C - 31st Floor, Columbus, 10 a.m.

Thursday, April 28

State Board of Education, Ohio Department of Education, 25 South Front Street, Columbus, 9:30 a.m.

Ethics Commission, 126 S. State St., Meeting Room A, Westerville, 12 p.m. (Advisory Committee)

EMIS Advisory Board, Statehouse Rm. 116, Columbus, 1 p.m.

Friday, April 29

Accountancy Board, Rm. West B&C, 31st Fl., 77 S. High St., Columbus, 10 a.m.

Thursday, May 5

Ethics Commission, 30 West Spring Street, Meeting Room 2, 2nd Fl., Columbus, 11:30 a.m.

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House Activity for Monday, April 25, 2016

INTRODUCED

HB 529 ■ **FIREARMS (Retherford, W., Hagan, C.)** To provide for firearms training for tactical medical professionals; to permit such a professional who has received that training or comparable training and who is authorized to carry firearms by the law enforcement agency the professional is serving to carry firearms while on duty in the same manner, to the same extent, in the same areas, and subject to the same potential for civil and criminal liability as a law enforcement officer of the agency; and to grant such a professional, while on duty in that capacity, the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license. Am. 109.71, 109.73, 109.75, 109.79, 109.801, and 2923.126 and to enact sections 109.748 and 109.771

HB 530 ■ **CHILD CARE CENTERS (Retherford, W.)** To provide for the licensure of sick-child care centers. Am. 5104.01, 5104.015, and 5104.99 and to enact sections 5104.0113, 5104.15, 5104.16, and 5104.17

HB 531 ■ **MILEAGE REIMBURSEMENTS (Hill, B.)** To require townships to provide mileage reimbursement to a member of a board of township trustees and to a township fiscal officer for travel within the township that is necessary in the performance of the member's or fiscal officer's duties. Am. 505.242 and 507.091

HB 532 ■ **REAL ESTATE SALES (Smith, R.)** Relating to real estate brokers and salespersons. Am. 4735.01, 4735.06, 4735.07, 4735.09, 4735.10, 4735.141, 4735.18, 4735.24, 4735.51, and 4735.65 and to enact sections 1386, 4735.081, 4735.091, and 4735.23

HB 533 ■ **AWARENESS MONTH (Sprague, R.)** To designate the month of May as "Neurofibromatosis Awareness Month." Am. 5.259

HOUSE SPEAKER'S APPOINTMENTS

Commission on Minority Health: Rep. Sykes

Joint Education Oversight Committee of the House of Representatives and Senate: Rep.
Patterson as ranking minority member

Medina County Transportation Improvement District Board of Trustees: Rep. Hambley

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Senate Activity for Monday, April 25, 2016

INTRODUCED

SB 318 ■ **DISCRIMINATION (Skindell, M., Tavares, C.)** To prohibit discrimination on the basis of sexual orientation or gender identity or expression, to add mediation to the list of informal methods by which the Ohio Civil Rights Commission must attempt to induce compliance with Ohio's Civil Rights Law before instituting a formal hearing, and to eliminate certain religious exemptions from the Ohio Civil Rights Law. Am. 9.03, 124.93, 125.111, 153.59, 153.591, 340.12, 511.03, 717.01, 1501.012, 1751.18, 2927.03, 3113.36, 3301.53, 3304.15, 3304.50, 3314.06, 3332.09, 3721.13, 3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.04, 4112.05, 4112.08, 4117.19, 4735.16, 4735.55, 4757.07, 4758.16, 4765.18, 5104.09, 5107.26, 5123.351, 5126.07, 5165.08, 5515.08, and 5709.832

SB 319 ■ **DRUG REGULATIONS (Eklund, J.)** To revise certain laws regarding the regulation of drugs, the practice of pharmacy, and the provision of addiction services. Am. 2925.61, 2929.14, 2947.231, 3707.56, 3719.121, 3719.21, 4729.06, 4729.071, 4729.16, 4729.18, 4729.19, 4729.38, 4729.51, 4729.54, 4729.541, 4729.55, 4729.571, 4729.60, 4729.68, 4729.99, 4731.22, 4731.94, 4776.02, 4776.04, and 5119.391, to enact sections 3707.58, 3707.59, 4729.10, 4729.40, 4729.45, 4729.513, 4729.514, 4729.553, 4729.90, 4729.901, 4729.902, 4729.91, 4729.92, 4729.921, 4729.93, 4729.94, 4729.95, 4729.96, and 4731.943, and to repeal section 4729.42 of the Revised Code and to amend Sections 331.90 and 331.120 of Am. Sub. H.B. 64 of the 131st General Assembly

SB 320 ■ **RENEWABLE ENERGY (Seitz, B.)** To revise the requirements for renewable energy, energy efficiency, and peak demand reduction, to permit property owners to petition municipal corporations and townships for the purpose of developing and implementing special energy improvement projects, to govern condominium association participation in special improvement districts, to require deployment and permit cost recovery of advanced energy analytics technology by electric distribution utilities, and to revise the law governing net metering service provided by electric utilities and electric services companies. Am. 710.01, 1710.02, 1710.06, 1710.13, 3706.25, 4582.06, 4582.31, 4928.01, 4928.02, 4928.55, 4928.64, 4928.66, 4928.662, 4928.6610, and 4928.67; to recodify section 4928.67 as sections

4928.6711, 4928.6713, 4928.6715, 4928.6717, 4928.6723, and 4928.6725;
and to enact sections 1710.20, 1710.21, 1710.22, 1710.24, 1710.241,
1710.26, 1710.28, 3745.28, 4928.41, 4928.6620, 4928.6621, 4928.671,
4928.672, 4928.673, 4928.676, 4928.677, 4928.679, 4928.6719, and
4928.6721

Gongwer Coverage

SR 443

RAIL CREWS (Skindell, M.) To support the Federal Railroad Administration's proposed rule requiring trains operated in the United States to have at least a two-person crew.

SCR 20

AGRICULTURAL TECHNOLOGY (Peterson, B.) To support the use of science-based data to assess the impacts and regulation of modern agricultural technologies, and to oppose federal, state, or local legislative or regulatory actions that are not based on sound science and that may result in unnecessary restrictions on the use of modern agricultural technologies.

SENATE PRESIDENT'S APPOINTMENTS

Joint Legislative Task Force on Department of Transportation Issues: Appoint Sen. LaRose to replace Sen. Manning

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Daily Activity Planner for Tuesday, April 26

Legislative Committees

House Ways & Means (Committee Record) (Chr. McClain, J., 644-6265), Rm. 121, 9:30 a.m.

- SB 172** **BULLION TAXES** (Jordan, K.) To exempt from sales and use taxes the sale or use of investment metal bullion and coins. (3rd Hearing-All testimony-Possible amendments & vote)
- HB 473** **TAX POLICY** (Amstutz, R.) To require voter approval before a county may levy a new utilities services tax, to allow small businesses to count employees of related or affiliated entities towards satisfying the employment criteria of the business investment tax credit, to permit a bad debt refund for cigarette and tobacco product excise taxes paid when a purchaser fails to pay a dealer for the cigarettes or tobacco products and the unpaid amount is charged off as uncollectible by the dealer, and to allow vendors to receive a refund of sales taxes remitted for bad debts on private label credit cards when the debt is charged off as uncollectible by the credit card lender. (1st Hearing-Sponsor)
- HB 297** **TAX CREDIT** (Hill, B.) To authorize a refundable income tax credit for current livestock owners who invest in a manure storage or treatment facility or acquire manure application equipment or manure handling and transportation equipment. (3rd Hearing-All testimony)

House Education (Committee Record) (Chr. Brenner, A., 466-6711), Rm. 017, overflow in 018, 9:30 a.m.

- Presentation from the Ohio Department of Education on value-added.

- HB 524** **SCHOOL RATINGS** (Cupp, R., Smith, R.) To review the value-added progress dimension measure used for purposes of state report card ratings for school districts and schools. (1st Hearing-Sponsor)
- HB 487** **BILITERACY** (LaTourette, S., Roegner, K.) To require the State Board of Education to establish the state Seal of Biliteracy to be attached or affixed to the high school transcripts of qualifying students. (1st Hearing-Sponsor)
- HB 481** **STUDENT ENROLLMENT** (Thompson, A., Koehler, K.) To revise the requirements regarding student enrollment reporting for public schools, mandatory student withdrawal policies, and scholarship program eligibility relative to students who choose not to take state assessments during the 2015-2016 school year and to declare an emergency. (1st Hearing-Sponsor)
- HB 137** **ORGAN DONATION** (Grossman, C., Phillips, D.) To require the health curriculum of each school district to include instruction on the positive effects of organ and tissue donation. (4th Hearing-Possible vote)

Senate State & Local Government (Committee Record) (Chr. Uecker, J., 466-8082), North Hearing Rm., 9:45 a.m.

SB 220 **DEFERRED COMPENSATION** (Hottinger, J.) To authorize the Ohio Public Employees Deferred Compensation Board and local governments to establish designated Roth account features and other tax-deferred or nontax-deferred features permitted for government deferred compensation plans. (4th Hearing-All testimony)

HB 359 **ADDRESS CONFIDENTIALITY** (Duffey, M., Gonzales, A.) To create an address confidentiality program for victims of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, or sexual battery. (2nd Hearing-Proponent)

SCR 15 **FEDERALISM** (Obhof, L., Faber, K.) To reassert the principles of federalism found throughout the Constitution of the United States of America and embodied in the Tenth Amendment, to notify Congress to limit and end certain mandates, and to insist that federal legislation contravening the Tenth Amendment be prohibited or repealed. (1st Hearing-Sponsor)

HB 240 **CORONER LAW** (Huffman, S., Johnson, T.) To recognize that coroners include medical examiners; to change the qualifications for holding office as a coroner of a charter county; to require, under certain conditions, and to authorize, under other conditions, supplemental compensation for coroners who are forensic pathologists; to revise how the office of coroner is filled when a vacancy cannot be filled by election or appointment; to specify the disposition of a firearm when a person meets death under certain circumstances; to specify who pays for the autopsy of an inmate of a state correctional facility; and to make other changes to the coroners' law. (2nd Hearing-Proponent)

HB 305 **RETIREMENT SYSTEMS** (Schuring, K.) To include new nonteaching employees of The University of Akron as members in the Public Employees Retirement System and to make an appropriation for the University's School Employees Retirement System employer surcharge payments. (2nd Hearing-Proponent)

House Finance (Committee Record) (Chr. Smith, R., 466-1366), Rm. 313, 10 a.m.

SB 310 **CAPITAL APPROPRIATIONS** (Oelslager, S.) To make capital appropriations and changes to the law governing capital projects for the biennium ending June 30, 2018. (1st Hearing-Sponsor-Pending referral)

HB 475 **FILM TAX CREDITS** (Schuring, K.) To authorize motion picture companies to transfer the authority to claim refundable motion picture tax credits to other persons, to adjust how the credit is calculated, to increase the total amount of credits that may be awarded per year, to remove the limit on the maximum credit amount that may be awarded to a motion picture, and to create a job training program for resident film crew members. (1st Hearing-Sponsor)

HB 500 **CASE MANAGEMENT (Arndt, S.)** To revise the Comprehensive Case Management and Employment Program, to establish a case management pilot program, to transfer cash from the Economic Development Program Fund (Fund 5JC0) to the Case Management Pilot Program Fund (Fund 5SK0), and to make an appropriation. (1st Hearing-Sponsor)
Senate Insurance (Committee Record) (Chr. Hottinger, J., 466-5838), South Hearing Rm., 10:30 a.m.

HB 207 **WORKERS COMPENSATION (Henne, M., McColley, R.)** To allow a state fund employer to have a workers' compensation claim that is likely to be subrogated by a third party paid from the surplus fund account in the state insurance fund rather than charged to the employer's experience (4th Hearing-All testimony-Possible amendments & vote)

SB 273 **CORPORATE GOVERNANCE (Bacon, K.)** To enact the Corporate Governance Annual Disclosure Act. (2nd Hearing-Proponent)
Canceled: House Session (Chr. Rosenberger, C., 466-3357), House Chamber, 11 a.m.

- **If needed**
Canceled: Senate Rules & Reference (Committee Record) (Chr. Faber, K., 466-7584), Majority Conf. Rm., 11 a.m.
Senate Agriculture (Committee Record) (Chr. Hite, C., 466-8150), North Hearing Rm., 11 a.m.

HB 178 **WINE SALES (Manning, N.)** To establish the F-10 liquor permit to authorize certain A-2 permit holders to sell Ohio wines at farmers markets. (2nd Hearing-All testimony)

HB 342 **WINERY PERMITS (Young, R.)** To create the Ohio Farm Winery Permit. (2nd Hearing-All testimony)

HB 187 **ANIMAL TREATMENT (Ginter, T.)** To authorize specified emergency personnel to provide certain emergency medical services to an injured dog or cat. (2nd Hearing-All testimony)

SB 151 **DOGS LAW (Beagle, B.)** To revise provisions of the Dogs Law governing nuisance, dangerous, and vicious dogs, to revise enforcement of that Law, and to establish a notification process regarding complaints of certain violations of that Law. (3rd Hearing-All testimony)

HB 60 **COMPANION ANIMAL ABUSE (Hall, D., Patmon, B.)** To revise provisions and penalties regarding treatment of companion animals, to revise the definition of "companion animal" in the Offenses Relating to Domestic Animals Law, and to provide a state collaborative effort to assist veterinarians in identifying clients who may use their animals to secure opioids for abuse. (3rd Hearing-All testimony)

Senate Financial Institutions (Committee Record) (Chr. Hughes, J., 466-5981), Finance Hearing Rm., 11:15 a.m.

- Confirmation hearing on governor's appointments of John Brown, and Jordan Miller, Jr., Banking Commission and Fred DeBiasi, Jr., Savings and Loan Association and Savings Bank Board.

HB 317 **IDENTITY THEFT (Maag, R.)** To enable the parents or guardian of a protected consumer to freeze that consumer's credit to protect the consumer from identity theft. (2nd Hearing-Proponent)

HB 303 **DEED PROGRAM (Dever, J., McColley, R.)** To create the D.O.L.L.A.R. Deed Program. (3rd Hearing-Opponent)

House Rules & Reference (Committee Record) (Chr. Amstutz, R., 466-1474), Rm. 119, 1 p.m.

HB 429 **AUTO TECHNICIANS (Antani, N., Reineke, B.)** Regarding employers of automotive technicians and motor vehicle technicians participating in the Incumbent Workforce Training Voucher Program. (1st Hearing-Possible amendments & vote)

~~Canceled: Senate Session (Chr. Faber, K., 466-4900), Senate Chamber, 1:30 p.m.~~

~~Canceled: Joint Legislative Task Force on Department of Transportation Issues, Joint Legislative Task Force on Department of Transportation Issues (Chr. Manning, G., 466-9690, Chr. Grossman, C., 466-9690), TBD, 2 p.m.~~

- Tentative meeting

House Financial Institutions, Housing & Urban Development (Committee Record) (Chr. Terhar, L., 466-8258), Rm. 113, 2:15 p.m.

HB 418 **SENIOR HOUSING (Barnes, J.)** To enact the "Senior Housing Relief Act" to prohibit the sale of delinquent property tax certificates for homesteads owned for at least 20 years by a person aged 65 or older. (2nd Hearing-Proponent-Possible substitute)

HB 463 **MORTGAGE FORECLOSURES (Dever, J.)** To establish expedited actions to foreclose mortgages on vacant and abandoned residential properties, to permit private selling officers to conduct judicial and execution sales of real property, to state the intent of the General Assembly regarding mortgage foreclosure actions, to revise the Commercial Paper Law relating to mortgages and lost instruments, and to make other changes relative to foreclosure actions. (3rd Hearing-All testimony-Possible amendments)

House Energy & Natural Resources (Committee Record) (Chr. Landis, A., 466-8035), Rm. 017, 2:30 p.m.

HB 512 **WATER SYSTEMS (Ginter, T.)** To establish requirements governing lead and copper testing for community and nontransient noncommunity water systems, to revise the law governing lead contamination from plumbing fixtures, to make appropriations to the Facilities Construction Commission for purposes of providing grants for lead fixture replacement in eligible schools, and to revise the laws governing the Water Pollution Control Loan and

Drinking Water Assistance Funds. (1st Hearing-Sponsor & proponent-
Pending referral)

**House Government Accountability & Oversight (Committee Record) (Chr. Brown, T.,
466-8104), Rm. 121, 2:30 p.m.**

HJR 6 **TERRORIST NATIONS (Johnson, T.)** Proposing to enact Section 18 of Article VIII of the Constitution of the State of Ohio to prohibit state agencies and the state's public retirement systems from contracting with and investing in companies with certain business operations in countries designated as state sponsors of terrorism and to require state agencies and public retirement systems to divest investments from such companies. (2nd Hearing-Proponent)

SB 213 **COSMETOLOGY LAW (Jordan, K., Tavares, C.)** To make changes to the Cosmetology Licensing Law. (2nd Hearing-All testimony)

HB 471 **COMMISSION ELIMINATION (Brown, T.)** To formally abolish certain boards and commissions that have completed their work and to abolish the Compact with Ohio Cities Task Force. (2nd Hearing-Proponent)

HB 476 **STATE CONTRACTING (Schuring, K.)** To prohibit a state agency from contracting with a company that is boycotting Israel or disinvesting from Israel. (2nd Hearing-Proponent)

HB 504 **PUBLIC RECORDS (Schuring, K.)** To generally protect a private, nonprofit institution of higher education from liability for a breach of confidentiality or other claim that arises from the institution's disclosure of public records. (2nd Hearing-Proponent)

House Select Committee on Medical Marijuana (Chr. Schuring, K., 752-2438), Rm. 313, 3 p.m.

HB 523 **MEDICAL MARIJUANA (Huffman, S.)** To authorize the use of marijuana for medical purposes and to establish the Medical Marijuana Control Program. (4th Hearing-All testimony)

Senate Finance (Committee Record) (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 3 p.m.

- **Confirmation hearing on governor's appointments of Susan Block, Ohio Arts Council; Phil Collins, University of Cincinnati Board of Trustees; Michael Flowers, Minority Development Financing Advisory Board; Will Lucas, University of Toledo Board of Trustees; John Martin, Ohio Higher Educational Facility Commission and William Scala and Joseph Gingo, University of Akron Board of Trustees**

HB 50 **ADOPTION ASSISTANCE (Pelanda, D., Grossman, C.)** To extend the age for which a person is eligible for federal foster care and adoption assistance payments under Title IV-E to age twenty-one, to provide a ward's bill of rights, to require that a guardian receive the Ohio Guardianship Guide, and to make an appropriation. (1st Hearing-Sponsor)

- SB 267** **VEHICLE FUELS** (Seitz, B., Peterson, B.) To create the Gaseous Fuel Vehicle Conversion Program, to allow a credit against the income or commercial activity tax for the purchase or conversion of an alternative fuel vehicle, to apply the motor fuel tax to the distribution or sale of compressed natural gas, to authorize a temporary, partial motor fuel tax exemption for sales of liquid and compressed natural gas used as motor fuel, and to make an appropriation. (1st Hearing-Sponsor)
- SB 274** **FINANCIAL LITERACY** (Seitz, B.) To require the Chancellor of Higher Education to create the SmartOhio Financial Literacy Pilot Program at the University of Cincinnati to operate for the 2016-2017 school year and to make an appropriation. (1st Hearing-Sponsor)
- SB 298** **COMMUNITY SCHOOL CONTRACTS** (Schiavoni, J.) Regarding community school operator contracts and the operation of Internet- and computer-based community schools. (1st Hearing-Sponsor)
- House Judiciary (Committee Record) (Chr. Butler, J., 644-6008), Rm. 116, 3:30 p.m.**
- HB 268** **HUMAN TRAFFICKING** (Hall, D., Dever, J.) To expand the list of human trafficking-related convictions and delinquency adjudications that may be expunged, to increase the penalties for compelling prostitution and promoting prostitution, and to authorize intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution. (3rd Hearing-All testimony)
- HB 353** **SEX OFFENDERS** (Ruhl, M.) To require a sheriff to mail a notice to every adult member of a household where a person who is required to register as a sex offender resides informing those household members that the person has committed a sexually oriented offense or a child-victim oriented offense. (3rd Hearing-All testimony)
- HB 439** **VOYEURISM** (Anielski, M.) To include an impaired person as a victim of voyeurism and to include conduct involving an impaired person within the offenses of pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, and illegal use of a minor in a nudity-oriented material or performance. (3rd Hearing-All testimony)
- HB 446** **OVI OFFENSES** (Manning, N.) To specify that the prison term that may be imposed for a third degree felony operating a vehicle while intoxicated ("OVI") offense is a definite period of twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty months, to add "harmful intoxicant" to the definition of "drug of abuse" for the purposes of commercial driver's licensing law, to allow a person to assert the existing affirmative defense of driving in an emergency with regard to a prosecution for driving under a suspended driver's license under specified laws, and to specify that certain enhanced penalties for speeding violations apply regardless of whether the offender previously has been convicted of or pleaded guilty to speeding. (3rd Hearing-All testimony)

HB 488 **CIVIL LIABILITY** (Sprague, R.) To modify the qualified immunity from civil liability for volunteer health care services provided to indigent and uninsured persons and to permit health care professionals to earn continuing education credit by providing volunteer health care services to indigent and uninsured persons. (1st Hearing-Sponsor)

Sunset Review Committee (Committee Record) (Chr. Brown, T., 466-8104), South Hearing Rm., 3:30 p.m.

- The panel will hear testimony from the Ohio Geographically Referenced Information Program Council, Utility Radiological Safety Board, Backflow Advisory Board, Electrical Safety Inspector Advisory Committee, State Fire Council, Citizen's Advisory Council and Student Tuition Recovery Authority. House Community & Family Advancement (Committee Record) (Chr. Derickson, T., 644-5094), Rm. 114, 4 p.m.

HB 493 **CHILD ABUSE REPORTING** (Sears, B., Ryan, S.) To make changes in the child abuse and neglect reporting law. (2nd Hearing-Sponsor & proponent)

HB 63 **CHILD ABUSE REPORTING** (Pelanda, D., Grossman, C.) To require mandatory reporters of child abuse or neglect to notify the county public children services agency when an attorney in fact under a document that purports to grant parental rights requests services from them, to require the agency to investigate the child's placement with the attorney in fact, and to require the agency to file a dependency complaint if it determines that the placement is unsafe for the child. (6th Hearing-All testimony-Possible vote)

Senate Transportation, Commerce & Labor (Committee Record) (Chr. LaRose, F., 466-4823), North Hearing Rm., 4 p.m.

- Confirmation hearing on governor's appointment of Scott Williams, State Fire Commission

SB 315 **TRANSPORTATION FUNDING** (Manning, G.) To make supplemental appropriations related to transportation for the biennium beginning July 1, 2015, and ending June 30, 2017, and to declare an emergency. (1st Hearing-All testimony)

Senate Education (Committee Record) (Chr. Lehner, P., 466-4538), Finance Hearing Rm., 4 p.m.

- The panel will hear a presentation from the Department of Education on the Value Added progress measure and consider the governor's appointment of Robert McDonald Jr. to the State Board of Education

HB 113 **CPR TRAINING** (Grossman, C., Manning, N.) To require instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator as a requirement for high school graduation. (1st Hearing-Sponsor)

HB 425 **RELIGIOUS EXPRESSION** (Hayes, B.) Regarding student religious expression. (1st Hearing-Sponsor)

SB 297 **STUDENT EXPULSIONS** (Hughes, J.) With respect to the expulsion of a student from a school district, community school, or STEM school for

communicating a threat of violence to occur on school grounds. (2nd Hearing-Proponent)

Agency Calendar

Board of Building Appeals, Division of Industrial Compliance, 6606 Tussing Road, Training Room 1, Reynoldsburg, 9 a.m.

Health Services Price Disclosure Study Committee, Lazarus Building, 5th Floor, 141 S. High St., Columbus, 9 a.m.

Minority Development Financing Advisory Board, Rm. East B., 31st Fl., 77 S. High St., Columbus, 10 a.m.

Racing Commission, 77 South High St., Room West B & C - 31st Floor, Columbus, 10 a.m.

Event Planner

League of Women Voters of Ohio's annual Statehouse Day

CFAES Research and Extension Legislative Luncheon (Ohio State University), Statehouse Atrium, Columbus, 11 a.m.

Ohio House Democratic Caucus fundraiser, Rambling House, 310 E. Hudson St., Columbus, 5 p.m., (Sponsor: \$2,500, \$1,000, \$500, \$250 to House Democratic Caucus Fund and/or Committee to Elect Fred Strahorn)

Rep. Barbara Sears (R-Monclova Township) fundraiser, Athletic Club of Columbus - Tally Ho Room, 136 E. Broad Street, Columbus, 5 p.m., (Chair: \$1,000; Sponsor: \$500; Individual: \$350 to Citizens for Sears)

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From: Public Policy Law360
Sent: Tuesday, May 10, 2016 3:52 AM
To: Rep48
Subject: 3 Ways To Prepare For The New Foreign Student Work Rule



Tuesday, May 10, 2016



TOP NEWS

3 Ways To Prepare For The New Foreign Student Work Rule

A new rule going into effect Tuesday will give some foreign students an extra seven months of work authorization, but certain students and employers will only have a short window to capitalize on the rule, so they'll need to work fast to create required training plans. Here, attorneys share advice on how employers can prepare for the new optional practical training regulation.

Garland Rarely Dissented Or Drew Dissents, Report Finds

In 19 years on the D.C. Circuit, U.S. Supreme Court nominee Merrick Garland wrote only 16 dissents, a mere fraction of the figures from both Democratic and Republican appointees on the appeals court, according to a liberal judicial watchdog group's Monday report portraying Garland as a "consensus" jurist above the political fray.

NC, DOJ File Lawsuits Over State's Transgender Bathroom Law

The Justice Department isn't backing down from a fight with North Carolina over a law that limits transgender state employees' access to restrooms, filing a countersuit Monday just

LAW FIRMS

Akin Gump
Baker & McKenzie
Baker Botts
Brach Eichler
Bryan Cave
Clifford Chance
Dechert
Dentons
Dorsey & Whitney
Duane Morris
Epstein Becker Green
Finnegan
Fish & Richardson
Ford & Harrison
Garvey Schubert
Gibson Dunn
Goodell DeVries
Greenberg Traurig
Hogan Lovells
Holland & Hart
Holland & Knight
Jackson Lewis
Joseph Greenwald
Katten Muchin
Kaye McLane
Kelley Drye

hours after Gov. Pat McCrory asked a court to declare the law is not discriminatory.

Banking Groups Call For Global Norms For Cybersecurity Regs

The European Banking Federation and other industry groups on Monday teamed up to push policymakers responsible for setting cybersecurity and technology standards for financial markets to adhere to a set of common principles to ensure the creation of effective policies that won't fragment global business models.

Senators Announce Breakthrough On TSCA Reform Bill Talks

The leaders of the U.S. Senate Environment and Public Works Committee on Friday said they have come to an agreement on "key sticking points" of the much-anticipated reforms to the outdated Toxic Substances Control Act of 1976.

ANALYSIS

3 Takeaways From NC, DOJ Transgender Bathroom Suits

The U.S. Department of Justice and North Carolina traded lawsuits Monday over the state's controversial transgender bathroom law, opening the door for courts to clarify whether federal anti-discrimination statutes protect sexual orientation and gender identity. Here, Law360 looks at three things employers should keep in mind as they wait for the dueling lawsuits to play out.

Cross-Border Crowdfunding Boom Would Test EU Regulators

The European Union's restrained approach toward regulating crowdfunding — by largely deferring to local regimes — should enable the budding fundraising tool to grow, experts say, though they warn that continental regulators will

King & Spalding
Kirkland & Ellis
Lane Powell
Lewis Brisbois
Lite DePalma
Marten Law
Mayer Brown
Michael Best
Millberg Gordon
Mintz Levin
Morgan Lewis
Munger Tolles
Norton Rose Fulbright
Ogletree Deakins
Paul Weiss
Richardson Patrick
Sheppard Mullin
Sidley Austin
Squire Patton Boggs
Stoel Rives
Van Ness
Wilkinson Walsh
Williams & Connolly
WilmerHale

COMPANIES

AAR Corporation
Acushnet Company
Adobe Systems Incorporated
Aetna Inc.
Altman Weil Inc.
Altria Group Inc.
America Fujikura Ltd.
American Academy of Family Physicians
American Cable Association
American Civil Liberties Union
American Farm Bureau Federation

need to develop a more coherent plan if crowdfunding expands across borders.

EPA Unlikely To Shed Gold King Stigma Anytime Soon

A recent push for a criminal investigation of the U.S. Environmental Protection Agency's role in triggering the Gold King Mine spill will make it harder for the agency to put the disaster behind it, even if it can satisfy persistent compensation and cleanup concerns for the Navajo Nation, states and other stakeholders.

4 Big Questions Dogging FCC's Plan To 'Unlock' Set-Top Box

Federal Communications Commission Chairman Tom Wheeler has the backing of the White House and seems intent on advancing his plan to "unlock" the pay-TV set-top box this year, but experts said he is heading into an uphill battle fraught with complications that could still kill or overtake the proposal. Here, Law360 looks at some tough questions the agency must resolve to move ahead.

BANKING & SECURITIES

Brokerage Tells 4th Circ. To Speed Up Appeal On FINRA

A brokerage challenging the Financial Industry Regulatory Authority's power asked the Fourth Circuit to expedite its appeal Friday, arguing that the agency has not shown any evidence it would be harmed if the process were sped up.

ENERGY & ENVIRONMENTAL

Senate Dems Reject \$37.5B Energy Spending Bill For 3rd Time

Senate Democrats on Monday once again refused to allow a \$37.5 billion bill funding federal energy, water development and certain weapons programs for 2017 to move forward, as a stalemate continued over a proposed

American Federation of Labor and Congress of Industrial Organizations

American Intellectual Property Law Association

American Medical Association Inc.

American Petroleum Institute Inc.

Arctic Slope Regional Corp.

Association of American Railroads

CBS Corporation

Center for Biological Diversity Inc.

Comcast Corporation

Dropbox Inc.

ESPN Inc.

Electronic Frontier Foundation

Facebook

Financial Industry Regulatory Authority Inc.

Google Inc.

Guttmacher Institute

HTC Corporation

Hunt Oil Co.

International Swaps and Derivatives Association

Johns Manville Corp.

Lex Mundi Ltd

LexisNexis Group

LinkedIn Corp.

Lyft Inc.

Microsoft Corporation

National Association of Broadcasters

National Railroad Passenger Corporation

Newegg Inc.

OneBeacon Insurance Group, LTD

PhRMA

Planned Parenthood Federation

Premiera Blue Cross

amendment they claimed would undermine the administration's recent nuclear deal with Iran.

Conservatives Push For Slower Ozone Regulation

Sixty conservative groups Monday asked congressional leaders to re-evaluate the U.S. standard for ozone emissions and the process for changing that rule, arguing the government needs better checks on how its regulations affect those struggling to comply.

Feds Say Idaho Can't Sue Over Sage Grouse Habitat Regs

The federal government and conservation groups supporting its decision to approve land management plans that emphasize protections for the greater sage grouse further urged a federal judge Friday to end Idaho's legal challenge to the plans, saying the state lacks standing.

Oil Firms Press 9th Circ. To Rethink Polar Bear Habitat

Oil companies and indigenous groups Friday urged the Ninth Circuit to rethink its upholding of the U.S. Fish and Wildlife Service's designation of a critical polar bear habitat in Alaska, arguing that parts of the FWS rule were not supported with enough evidence.

HEALTH & LIFE SCIENCES

End To Ariz. Abortion Pill Limits Now Up To Governor

The Arizona Legislature approved a bill Friday that would do away with a measure Gov. Doug Ducey recently enacted to limit women's access to medication-induced abortion and would undo a separate requirement that physicians tell women abortions can be reversed.

TRANSPORTATION & INFRASTRUCTURE

Public Knowledge

SAP AG

SEIU Healthcare Illinois & Indiana

SIFMA

Service Employees International Union

Siemens AG

T-Mobile USA Inc.

The Walt Disney Company

Time Warner Inc.

U.S. Chamber of Commerce

Uber Technologies Inc.

eBay Inc.

GOVERNMENT AGENCIES

Army Corps of Engineers

Bureau of Reclamation

Equal Employment Opportunity Commission

European Commission

Executive Office of the President

Federal Communications Commission

Federal Trade Commission

Fish and Wildlife Service

Florida Department of Transportation

Food and Drug Administration

Gila River Indian Community

Immigration and Customs Enforcement

Internal Revenue Service

International Trade Commission

Navajo Nation

New York Attorney General's Office

Occupational Safety and Health Administration

Salt River Pima-Maricopa Indian Community

Amtrak Blasts Railroads' Bid To Block Proposed On-Time Rule

Amtrak fired back at freight railroads' request that the Surface Transportation Board abandon its efforts to clarify how it applies a timeliness metric to investigate railroads for passenger train delays, saying a recent D.C. Circuit ruling in a related dispute does not kill the proposed rule-making.

Uber, Lyft Leave Austin After Failed Push To Change Regs

Ride-hailing apps Uber and Lyft on Monday stopped offering their services in Austin, Texas, after the city's voters rejected an ordinance supported by the companies that would have eliminated a city requirement that drivers be vetted using a fingerprint-based background check.

REAL ESTATE

NJ High Court Won't Review Rent Control Atty Fee Row

The New Jersey Supreme Court has declined to review an appeals court's decision that a class of Hoboken, New Jersey, property owners who contend that their lawsuit forced rent control reforms in the city couldn't recoup counsel fees because other factors contributed to the changes.

EMPLOYMENT

SEIU Illinois Says State's OT Cap For Caregivers Is Cruel

The Service Employees International Union representing Illinois home health workers has filed a complaint with the state's labor board over a new Illinois Department of Human Services policy capping the workers' overtime hours.

PRIVACY & CONSUMER PROTECTION

Securities and Exchange Commission

Southern Ute Indian Tribe

Surface Transportation Board

U.S. Army

U.S. Department of Agriculture

U.S. Department of Energy

U.S. Department of Homeland Security

U.S. Department of Housing and Urban Development

U.S. Department of Justice

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. Patent and Trademark Office

U.S. Senate

U.S. Supreme Court

ACLU Sues Miss. Over Law Shielding Anti-Gay Beliefs

An engaged same-sex couple and the American Civil Liberties Union of Mississippi on Monday sued the state in federal court over a recently enacted bill that provides protection to those who say their religious beliefs were violated by the U.S. Supreme Court's legalization of same-sex marriage.

GOVERNMENT CONTRACTS

Sec. 8 Notices Met Norms, LA Housing Auth. Tells Justices

Los Angeles' housing authority has asked the U.S. Supreme Court to overturn a Ninth Circuit ruling that Section 8 residents had a property right in receiving understandable notice that their benefits were decreasing, saying no such notice was required by statute or regulations.

Docs, Drugmakers Call Medicare Pay Experiment Unlawful

Doctors and drugmakers launched intense attacks Monday on a controversial proposal to overhaul drug payments in Medicare Part B, accusing regulators of overstepping their powers.

TAX

Casino Says Prop. Tax Break Critics Minimized Gaming Taxes

An investigation released Sunday by a government watchdog group that highlights the \$4 million in property tax breaks Illinois' most profitable casino has received over the past few years downplays that nearly half of the casino's \$400 million in yearly revenue is paid out in state gaming taxes, a company spokesman told Law360 Monday.

Chamber Seeks More Time On Inversion Earnings Rules

The U.S. Chamber of Commerce asked Friday for more time to respond to proposed IRS

regulations that address so-called earnings stripping following an inversion, saying that while it knew the rules were in the pipeline, their "breadth, scope and consequences" were greater than previously suggested.

NATIVE AMERICAN

Two Tribes Leave Arizona Gaming Group Over Casino Row

Two Arizona Native American tribes have withdrawn from a local tribal gaming association over the organization's alleged failure to pick a side in a fight involving the Tohono O'odham Nation, rival tribes and the state of Arizona over a \$400 million casino in Glendale.

TELECOMMUNICATIONS

CBS, Disney Tell FCC Content At Risk In Set-Top Box Plan

A group of companies including CBS, Walt Disney Co., Time Warner Inc. and ESPN Inc. have told the Federal Communications Commission that its set-top box plan could harm key protections on programming and disrupt licensing arrangements, urging the agency to address such issues in its final rule.

Google Sees Pay Dirt In Vacant Channel Rule, FCC Told

Google's lobbying for a Federal Communications Commission proposal to set aside TV station white space for wireless purposes is an attempt to obtain more spectrum and would ultimately disenfranchise some licensees and viewers, broadcasters said Friday, urging the agency to focus instead on the spectrum auction.

NEW YORK

2nd Circ. Asked To Rethink NY Nonresident Atty Office Rule

A New Jersey-based lawyer has urged the Second Circuit to rehear en banc its split

decision that a New York law requiring nonresident attorneys to keep a physical office in the state is constitutional, arguing that it essentially rewrote the law to rescue it.

EXPERT ANALYSIS

UK Will Follow US Lead On DPA Pilot Program

The U.K.'s deferred prosecution agreement regime is based on U.S. practice, so the success or otherwise of the U.S. Department of Justice's new DPA pilot program will be keenly watched in the U.K. to determine if they should take similar steps, say Alistair Graham and Chris Roberts at Mayer Brown LLP.

Navigating Choice Of Law Provisions For Offshore Contracts

Understanding how the Outer Continental Shelf Lands Act can impact contractual choice of law provisions for offshore projects can help oil and gas companies avoid exposure to unforeseen liabilities. Robert Garner and Michael Yates at King & Spalding LLP explain important factors to consider when determining what choice of law will apply to offshore service contracts as well as the potential commercial impacts of OCLSA jurisdiction.

Patent Reform Beyond The Innovation Act: The VENUE Act

In contrast to the Innovation Act and the PATENT Act, which are designed to address a myriad of issues all at once, the Venue Equity and Non-Uniformity Elimination Act is targeted to a single issue — venue, seeking to narrow and simplify where a plaintiff/patentee may sue for patent infringement. But despite the narrow scope, staunch opponents likely still exist, say attorneys with Finnegan Henderson Farabow Garrett & Dunner LLP.

New Florida Legislation Will Facilitate P3 Projects

Until now, the Florida Department of Transportation was limited in the types of projects it could finance using bonds. The creation of the Florida Transportation Financing Corporation will not replace these traditional funding mechanisms, but will provide another way for the FDOT to finance a wider range of much needed transportation projects, say Bruce Giles-Klein and Timothy Green at Greenberg Traurig LLP.

LEGAL INDUSTRY

How To Turn Nonbillable Work Into Big Bucks

With an ever-increasing focus on billable hours, it's easy for attorneys to forget the importance of the time clients aren't covering. However, experts say that embracing nonbillable hours as opportunities for client development or attorney growth can add as much value to the firm as landing a new case. Here, lawyers and experts talk about the best way to invest that time to help the firm prosper.

3 Recent Rulings On Client Conflicts You Should Know

With the library of case law on conflicts of interest always expanding, we're here to help you stay caught up. Here's a trio of recent orders on conflict waivers, concurrent representation of company affiliates, and challenges to firms doing patent work for competitors that you need to know about.

Dentons Doubles Down On Global Push In Client Referral Play

Dentons' planned foray into the legal referral network business could pay off for the ever-expanding firm through new allegiances with partners who cannot win access to — or pay the dues for — existing membership groups, as well as broader name recognition for the firm in far-flung areas of the globe, experts said Monday.

100 Oral Arguments: How A DOJ Atty Made High Court History

Michael Dreeben's first oral argument at the U.S. Supreme Court was memorable for all the wrong reasons. His case was mocked by Justice Antonin Scalia. He was out-dueled by a brilliant young lawyer named John Roberts. He lost 9-0. And yet it sparked a supernova career for Dreeben, who last month delivered his 100th argument, a milestone achieved by only seven other attorneys in the high court's history.

Panama Papers Data Dump Includes BigLaw Intermediaries

A group of international journalists who released the so-called Panama Papers, which exposed the use of shell companies by wealthy individuals to hide their money from tax authorities, released data on Monday related to more than 200,000 such companies, including information about BigLaw firms named in a prior data leak.

Fledgling Firm Wilkinson Walsh Loses Managing Partner

Newly launched trial boutique Wilkinson Walsh + Eskovitz PLLC has lost a managing partner, Eric Liebler — who co-founded the firm after working in-house at Siemens Corp. and as a partner with Kirkland & Ellis.

UK Lawyers Show Drop In Business Confidence, Report Finds

More than half of U.K. lawyers are planning for growth in the future despite a fall in business confidence and performance since last year and a pervasive belief that there are still tough times ahead, according to a new report.

JOBS

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From: Public Policy Law360
Sent: Monday, May 16, 2016 4:20 AM
To: Rep48
Subject: The Top 100 Firms For Minority Attorneys



Monday, May 16, 2016



DIVERSITY SNAPSHOT

The Top 100 Firms For Minority Attorneys

For the second straight year, Law360 has ranked the 100 top U.S. law firms for minorities, based on the firm's minority representation at the partner and nonpartner levels and its total number of minority attorneys.

The Top 50 Firms For Minority Equity Partners

While equity partnerships at U.S. law firms remain overwhelmingly white, 50 firms have widened the playing field for attorneys of color, according to Law360 data.

US Law Firms Fail To Move Needle On Racial Diversity

Law firms continue to make negligible progress toward improving the diversity of their attorney ranks, according to Law360's annual headcount survey.

The 5 Ways BigLaw Is Failing Minorities

The legal industry continues to be a grim place for minorities to work and thrive, lagging behind other white collar professions when it comes to inclusion. Here, experts outline the practices

LAW FIRMS

Adelson Testan
Ahmad Zavitsanos
Akerman
Akin Gump
Allen Matkins
Alston & Bird
Altshuler Berzon
Andrews Kurth
Archer Norris
Arent Fox
Arnold & Porter
Atkinson Andelson
Babst Calland
Baker & McKenzie
Baker Botts
Ballard Spahr
Barton LLP
Beasley Allen
Berry Appleman
Best Best
Bilzin Sumberg
Bordas & Bordas
Bowman and Brooke
Bracewell LLP
Brinks Gilson & Lione
Brooks Kushman

and failures that prevent firms from making progress.

White & Case Outpacing Peers In Diversity

More than a third of White & Case LLP's United States attorneys are minorities, placing the international firm at the top of Law360's 2016 Diversity Snapshot.

TOP NEWS

House Passes Comprehensive Anti-Opioid Abuse Bill

The U.S. House of Representatives on Friday easily passed a comprehensive bill covering a broad range of anti-opioid abuse and drug overdose programs, sending lawmakers to conference with the Senate to come up with a compromise final bill.

GOP Grills EPA Head Over Clean Power Plan Work

Republican leaders on the House Energy and Commerce Committee accused the U.S. Environmental Protection Agency on Friday of undermining the U.S. Supreme Court's stay of the Clean Power Plan by charging forward with "regulatory processes that are integrally related to the suspended rule."

DC Circ. Declares Foreign Student Work Rule Fight 'Moot'

Just days after a new foreign student work rule took effect, the D.C. Circuit on Friday threw out a technology union's challenge to a similar 2008 regulation from the U.S. Department of Homeland Security, saying the case was moot now that the challenged rule is no longer active.

Obama Tells Schools To Let Trans Students Pick Bathrooms

The Obama administration on Friday issued a letter to public schools declaring that, under Title IX of the education code, discrimination against transgender students is sex

Buchalter Nemer
Cadwalader Wickersham
Cantor Colburn
Carlton Fields
Cleary Gottlieb
Coblentz Patch
Cohen Milstein
Conrad O'Brien
Constangy Brooks
Covington & Burling
Crowell & Moring
DLA Piper
Davis Polk
Day Pitney
Debevoise & Plimpton
Dentons
Drinker Biddle
Faegre Baker
Fenwick & West
Finnegan
Fish & Richardson
Flaster/Greenberg
Ford & Harrison
Foster Pepper
Fragomen Del Rey
Franczek Radelet
Fredericks Peebles
Fross Zelnick
Gibson Dunn
Gordon & Rees
Greenberg Traurig
Griesing Law
Gunster
Hall Estill
Hanson Bridgett
Haynes and Boone
Hinshaw & Culbertson
Holland & Knight

discrimination, and stepped in on a hot-button issue by directing schools to let students use the bathrooms that fit their gender identity.

GMU Law Profs Slam Colleagues Against Scalia Renaming

Law professors at George Mason University have shot back against GMU's general faculty for criticizing the renaming of its law school in honor of the late U.S. Supreme Court Justice Antonin Scalia, calling a recent resolution about Scalia's comments on women and minorities "ill-informed" and "specious."

ANALYSIS

4 Things To Know As Equity Crowdfunding Rules Take Effect

Four years after Congress passed the landmark Jumpstart Our Business Startups Act to expand capital-raising tools for small companies, rules governing equity crowdfunding go live Monday. Here's what attorneys need to know.

Ex-NY Pols' Graft Appeals May Depend On McDonnell Case

The corruption convictions and prison sentences for two of New York's onetime most powerful lawmakers have sent shockwaves across the state's political establishment, but their expected appeals may hinge on a forthcoming decision by the U.S. Supreme Court in the bribery case against former Virginia Gov. Bob McDonnell

Feds Face Hard Sell As Complex Fattah Corruption Trial Opens

U.S. Rep. Chaka Fattah's indictment on corruption charges may have cost him last month's Democratic primary, but whether it costs him his freedom is a question attorneys say will hinge on whether prosecutors can prove a dense, document-driven case to jurors as the trial kicks off in Philadelphia on Monday.

BANKING & SECURITIES

Hunton & Williams
Irell & Manella
Irwin Fritchie
Jackson Lewis
Jackson Walker
Jones Day
K&L Gates
Kaufman Dolowich
Kelley Drye
Kilpatrick Townsend
Kirkland & Ellis
Knobbe Martens
Lane Powell
Latham & Watkins
Leason Ellis
Lewis Brisbois
Liebert Cassidy
Manatt Phelps
Mayer Brown
McAndrews Held
McCusker Anselmi
McDermott Will
Michelman & Robinson
Miller Canfield
Miller Nash
Mitchell Silberberg
Morgan & Morgan
Morris James
Morrison & Foerster
Munger Tolles
O'Melveny & Myers
Ogletree Deakins
Orrick Herrington
Osha Liang
Patterson & Sheridan
Paul Hastings
Paul Weiss
Perkins Coie

**DC Circ. Questions Merit Of SEC
Constitutionality Appeal**

Members of a D.C. Circuit panel questioned a former fund manager's challenge to the constitutionality of U.S. Securities and Exchange Commission judges, asking whether the judges need to be appointed when the commission has the power to overrule them entirely

**Banks Unlikely To Follow Kerry's Push
On Iran Contacts**

U.S. Secretary of State John Kerry on Thursday urged European banks to do business with Iran now that nuclear sanctions have been lifted, but that's unlikely to happen until the risks are worth it, experts say.

HEALTH & LIFE SCIENCES

**House GOP Lawmaker To Unveil Zika
Funding Plan**

A senior Republican congressman said Friday he plans to unveil a plan for additional funding to fight the Zika virus next week, offering few details aside from saying the plan will provide much less than the \$1.1 billion bipartisan Senate measure released Thursday, according to reports.

**ACA Pay Rule Threatens Emergency
Care, Suit Says**

An Affordable Care Act regulation related to emergency-care reimbursement fails to ensure that providers will be properly paid and should be invalidated, according to a complaint filed Thursday in D.C. federal court.

IP & TECHNOLOGY

**Senate Judiciary Leader Won't
Consider Patent Venue Bill**

Senate Judiciary Committee Chairman Chuck Grassley is not planning to take action on a bill

Post & Schell
Powers Pyles
Proskauer Rose
Quinn Emanuel
Reed Smith
Richards Kibbe
Richards Layton
Roberts Markel
Ropes & Gray
Rumberger Kirk
Rutan & Tucker
Sanford Heisler
Schiff Hardin
Schnader Harrison
Seed Intellectual
Selman Breitman
Shapiro Arato
Shearman & Sterling
Sheppard Mullin
Shutts & Bowen
Sidley Austin
Skadden
Skiermont Derby
Squire Patton Boggs
Sterne Kessler
Stradley Ronon
Sughrue Mion
Sullivan & Cromwell
Susman Godfrey
Sutherland Asbill
Tenzer PLLC
Thompson Coe
VLP Law Group
Weil Gotshal
White & Case
Wilson Sonsini
Wood Smith

COMPANIES

aimed only at restricting where patent suits can be filed and is instead focused on more comprehensive legislation aimed at so-called patent trolls, the senator's office confirmed on Friday.

MEDIA & ENTERTAINMENT

Daily Fantasy Sports Bill Passed By Missouri Lawmakers

Missouri lawmakers on Thursday passed a bill that would legalize daily fantasy sports and place it under the authority of the state's gambling commission, sending the legislation on to the governor.

TRANSPORTATION & INFRASTRUCTURE

Judge Delays Deadline For List Of GWB Scandal Conspirators

A New Jersey federal judge on Friday refused to grant an unidentified individual's last-minute bid to block the public release of unindicted co-conspirators in the George Washington Bridge lane closure scandal after pushing the deadline back in response to the alleged co-conspirator's request.

EMPLOYMENT

Illinois Union Can Rep Nonpublic Employees, Judge Rules

An Illinois federal judge on Thursday threw out a legal challenge to union representation in Illinois, saying home health care workers who receive funding from the state but are nonpublic employees cannot bypass the SEIU to negotiate employment terms.

GOVERNMENT CONTRACTS

Gov't Contractors Must Secure Federal Data Under New Rule

AT&T Inc.
American Bar Association
American Civil Liberties Union
American College of Emergency Physicians
American Hospital Association
American Petroleum Institute Inc.
Anheuser-Busch Inbev SA/NV
Apple Inc.
Associated Press
BTI Consulting Group Inc.
Barclays PLC
Berkeley Research Group
CTIA
Cara Operations Ltd.
Comcast Corporation
DISH Network Corporation
Deutsche Bank AG
DraftKings Inc.
Electronic Frontier Foundation
FanDuel Inc.
Farm Credit System
Financial Industry Regulatory Authority Inc.
Global Automakers
Google Inc.
HSBC Holdings PLC
Immigration Reform Law Institute
Intel Corporation
Interstate Natural Gas Association of America
Medtronic Inc.
MillerCoors LLC
NBCUniversal Inc.
National Association of Manufacturers
National Retail Federation Inc.
National Right to Work Legal Defense Foundation

Federal agencies will soon be required to include language in contracts and solicitations requiring contractors to adopt basic cybersecurity measures to protect systems containing information about federal contracts, according to a rule scheduled for publication in the Federal Register on Monday.

DOD's Postwar Equipment Pullout Plans Subpar, GAO Says

While relocating resources from the Iraq and Afghanistan wars, the U.S. Department of Defense has risked leaving military branches without adequate guidance on what to do with combat equipment, according to a U.S. Government Accountability Office report published Friday.

INTERNATIONAL TRADE

WTO Agriculture Chair Says Subsidies Still Top Priority

The World Trade Organization's chair of agriculture negotiations recently said subsidies remain a top priority in reforming agricultural trade, but called it both "embarrassing and troubling" that the majority of members are not up to date in their subsidies notifications.

Trade Groups Say Treasury Is Rushing Anti-Inversion Regs

Nearly a dozen lobby groups, including the American Petroleum Institute and the National Retail Federation, accused the U.S. Department of the Treasury on Thursday of moving too fast to implement new anti-inversion regulations which they said will slow down investments and economic growth.

EU Seeks Comments On Draft TTIP Impact Report

Independent consulting firm Ecorys released a draft report concerning the potential environmental, economic and social impacts of the Transatlantic Trade and Investment Partnership, which European Union Trade

New York Times Co.

Office Depot Inc.

Porsche

Public Knowledge

SIFMA

Standard Chartered PLC

Staples, Inc.

Star Scientific, Inc.

The Hershey Company

U.S. Chamber of Commerce

Verizon Communications

Wells Fargo & Co.

GOVERNMENT AGENCIES

Army Corps of Engineers

Bureau of Ocean Energy
Management

California Attorney General's
Office

Centers for Disease Control and
Prevention

Congressional Budget Office

Consumer Financial Protection
Bureau

Equal Employment Opportunity
Commission

European Commission

Executive Office of the President

Federal Communications
Commission

Federal Deposit Insurance Corp.

Federal Election Commission

Federal Reserve System

Federal Trade Commission

Food and Drug Administration

Government Accountability Office

Immigration and Customs
Enforcement

Internal Revenue Service

Commissioner Cecilia Malmstrom cautioned Friday should be "taken with a pinch of salt" in a blog post inviting public comment.

TAX

IRS Chief's Possible Impeachment Slated For House Hearings

The House Judiciary Committee said Friday it would schedule two hearings to determine whether Internal Revenue Service head John Koskinen should be impeached for failing to produce emails and lying to Congress over the agency's alleged unfair scrutiny of conservative groups seeking tax-exempt status.

Feds Say Jail Isn't Stopping Ex-Rep. From Preparing Case

Prosecutors hit back after former U.S. Rep. Mel Reynolds told an Illinois federal judge he has to plead guilty to misdemeanor tax evasion because he can't prepare for trial in jail, arguing that Reynolds has restricted his own ability to represent himself.

IMMIGRATION

Only Congress Can Give Samoans Citizenship, Justices Told

The Obama administration has asked the U.S. Supreme Court not to hear an appeal from a group of American Samoans seeking birthright citizenship for people born in the U.S. territory, arguing the issue is one for Congress to decide.

Gov't Being 'Hyperbolic' In Immigrant Bond Row, Justices Told

A green card holder urged the U.S. Supreme Court on Tuesday to reject an appeal from the government of a ruling that certain immigrants should get bond hearings after six months of detention, saying the government's claim that the court should take the case for border control reasons was "hyperbolic."

NATIVE AMERICAN

Match-E-Be-Nash-She-Wish Band of Pottawatomí

National Aeronautics and Space Administration

National Oceanic and Atmospheric Administration

Occupational Safety and Health Administration

Office of Foreign Assets Control

Pipeline and Hazardous Materials Safety Administration

Port Authority of New York & New Jersey

Securities and Exchange Commission

U.S. Air Force

U.S. Army

U.S. Department of Defense

U.S. Department of Education

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of State

U.S. Department of Veterans Affairs

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. General Services Administration

U.S. House of Representatives

U.S. Marine Corps

U.S. Navy

U.S. Supreme Court

EPA Finalizes Rule Giving Tribes Clean Water Act Authority

The U.S. Environmental Protection Agency on Friday unveiled a final rule that gives some Native American tribes the power to administer Clean Water Act programs and receive grants just like states.

Gov't Says Top Court Case Backs Law Killing Tribe Casino Suit

The federal government called on a D.C. Circuit panel to affirm the dismissal of a Michigan man's challenge to a tribe's casino project on neighboring land, maintaining that a recent Supreme Court case reinforced Congress' authority to bar his suit.

TELECOMMUNICATIONS

Berkeley Rips Group's FCC Radiation Rule Claims At 9th Circ.

The City of Berkeley, California, has told the Ninth Circuit that an argument by CTIA-The Wireless Association that the Federal Communications Commission does not require radio frequency disclosures is blatantly false, as the organization challenges the city's attempt to require cellphone retailers to include a radiation warning with all sales.

ILLINOIS

Social Services Bill Likely To Die On Ill. Gov.'s Desk

A \$715 million funding bill meant to tide over some social services until the Illinois General Assembly can end the state's budget stalemate passed both houses on Thursday, but its run is likely to end at Republican Gov. Bruce Rauner's desk.

PEOPLE

Babst Calland Adds 3rd Former PHMSA Atty To DC Office

Babst Calland Clements & Zomnir PC announced on Thursday that it's building out its new Washington, D.C., office with the addition of a third shareholder in its pipeline and hazmat safety practice who used to be an attorney for the Pipeline and Hazardous Materials Safety Administration.

EXPERT ANALYSIS

In Congress: Appropriations

Senate consideration of the Energy and Water appropriations bill was almost sidetracked last week by a contentious amendment from Sen. Tom Cotton on the Iran nuclear deal. While Leader McConnell found a path forward, the delay it provoked and the partisan tensions it raised reveal the tenuous and fraught effort to pass all 12 appropriations bills before the end of the fiscal year, say members of Covington & Burling LLP.

The Future Of Medicare Physician Reimbursement

Just over a year after the Medicare Access and CHIP Reauthorization Act was signed into law, the U.S. Department of Health and Human Services recently unveiled the long-awaited proposed rule to begin its implementation. The 962-page notice offers important insight into how the Centers for Medicare and Medicaid Services will link physician payments to quality care through MACRA, say attorneys with Proskauer Rose LLP.

New Considerations As SEC Amends Registration Rules

As a result of recently adopted amendments to the Exchange Act registration requirements, companies close to triggering registration thresholds may need to adopt better tracking and planning procedures. Among other things, employee compensation plans that permit transfers of securities received under such

plans could cause companies to exceed thresholds, say attorneys with Mayer Brown LLP.

How The Beer Industry Can Brew Better Franchise Laws

Breweries want to focus on making beer without the unnecessary addition of also running a distribution company and the distribution model is still one of the most convenient and efficient methods for getting beer to the marketplace. However, antiquated franchise laws have created a lack of negotiating parity and choice in options for the emerging craft brewing industry, says Joshua Aubuchon at Holland & Knight LLP.

LEGAL INDUSTRY

6 Lessons BigLaw Can Learn From Boutiques

Although they can't compete with large firms over the menu of services they might offer, boutique law firms can edge out bigger rivals for legal work through flexibility, personal involvement with clients and a laserlike focus on select practice areas. Here, experts share six ways BigLaw can learn from boutique competitors.

How To Think Like A Judge And Be A Better Legal Writer

To write persuasively and win court cases, lawyers need to learn to think like judges, according to an academic paper published Thursday, and while getting inside a judge's head isn't always easy, the paper's author offers three tips for accomplishing it.

Law Firms See Biggest Q1 Revenue Bump Since 2008

Law firm revenue in the first quarter of 2016 was up 5.8 percent over the same period last year, the sector's largest jump in first quarter revenue since 2008, according to the results of

a Citi Private Bank survey made public on Friday.

GC Cheat Sheet: The Hottest Corporate News Of The Week

The Occupational Safety and Health Administration wants to make your workplace injury data public, and law firms want to charge you more. Those stories top the in-house news you may have missed last week.

Del. Chancery Welcomes Ex-Morris James Partner To Bench

Delaware's Court of Chancery formally welcomed a veteran judge and litigator as the 39th member of the state's 224-year-old institution Friday, with Joseph R. Slights III taking a ceremonial oath and donning his robe during an investiture in Dover.

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week.

JOBS

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Ohio News & Opinion For June 24, 2016

News

Government administrators aim to go lean at Ohio conference (Associated Press, 6/24/2016)

Inmate walks off job site in Logan (Athens Messenger, 6/24/2016)

Donald Trump finally hires Ohio campaign manager (Cincinnati Enquirer, 6/24/2016)

Hillary Clinton coming to Cincinnati Monday with Elizabeth Warren (Cincinnati Enquirer, 6/24/2016)

Poll: Ohio divided on transgender bathrooms (Cincinnati Enquirer, 6/24/2016)

Judge overturns Cleveland's restrictions on RNC protests: Ohio Politics Roundup (Cleveland Plain Dealer, 6/24/2016)

Ohio Democrats to push package of gay rights bills: What to watch for Friday (Cleveland Plain Dealer, 6/24/2016)

Proposed amendment advocating prayer in Ohio schools rejected on technicality (Cleveland Plain Dealer, 6/24/2016)

Rob Portman to help rehabilitate homes for Habitat for Humanity during Republican National Convention (Cleveland Plain Dealer, 6/24/2016)

Kasich's Democratic pick for PUCO raises Statehouse concerns over 'past activism' (Columbus Business First, 6/24/2016)

Advocates seek return to civility amid caustic campaign (Columbus Dispatch, 6/24/2016)

Campaign veteran Bob Paduchik to lead Trump's Ohio campaign (Columbus Dispatch, 6/24/2016)

Ohio recognized for cutting government red tape, saving money (Columbus Dispatch, 6/24/2016)

Ohioans in poll oppose choice for transgender bathroom use (Columbus Dispatch, 6/24/2016)

State to crack down on drunken boating (Columbus Dispatch, 6/24/2016)

Voters support Ohio library building boom (Dayton Daily News, 6/24/2016)

Advocates call for more civility in election discourse (Toledo Blade, 6/24/2016)

Editorials

Gun violence and GOP inaction (Akron Beacon Journal, 6/24/2016)

Cleveland's onerous restrictions on RNC protests must go: editorial (Cleveland Plain Dealer, 6/24/2016)

Dump Trump effort, revived: Editorial Board Roundtable (Cleveland Plain Dealer, 6/24/2016)

SEIU's \$15 minimum wage issue targets Cleveland for all the wrong reasons: Brent Larkin (Cleveland Plain Dealer, 6/24/2016)

Many owe their lives to Coleman (Columbus Dispatch, 6/24/2016)

Can't 97 senators pass a bill? (Toledo Blade, 6/24/2016)

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Subject: Privatization & Government Reform Newsletter #29 - January 2017

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Privatization & Government Reform Newsletter
Issue No. 29 — January 2017

Edited by:

Leonard Gilroy, Director of Government Reform, Reason Foundation
Austill Stuart, Policy Analyst, Reason Foundation

In this issue:

- **INFRASTRUCTURE:** [Federal Barriers to Private Infrastructure Investment](#)
- **CONTRACTING:** [Making the Federal Government Compete](#)
- **STATE GOV:** [Reviewing the Past Year in State Privatization](#)
- **PENSIONS:** [CalPERS Lowers Investment Return Assumption](#)
- **ENERGY/ENVIRONMENT:** [CAFE Standards in Plain English](#)
- [News & Notes](#)
- [Quotable Quotes](#)

INFRASTRUCTURE: Federal Barriers to Private Capital Investment in U.S. Infrastructure

Before taking office, President Trump announced plans to pursue an ambitious program to foster private investment in aging U.S. public-sector infrastructure, including airports, highways, seaports, water-supply and wastewater treatment facilities. For the past 15 years, infrastructure investment funds, infrastructure companies and others have been eager to invest in U.S. public-private partnership (PPP) projects of this kind, but they have confronted a relatively small number of projects. According to a new Reason Foundation report, that problem stems from

two causes: state and local policymakers' unfamiliarity with PPP models and federal barriers to private capital investment in state and local infrastructure.

The report identifies thousands of potential project opportunities, in the form of existing airports, highways, seaports, water systems, etc. It then shines a spotlight on an array of federal obstacles that make it difficult, financially disadvantageous or impossible to do the kinds of PPP infrastructure renewal that take place routinely in Canada, Europe and Latin America.

» [FULL REPORT](#)

» [return to top](#)

CONTRACTING: Will Trump, Congress Try to Make the Federal Government Compete Again?

Given current federal policy toward outsourcing, the Trump administration and Congress have an opportunity to re-embrace competition. According to a new article by Reason's Austill Stuart, expanding federal competitive sourcing would benefit taxpayers by using competition to drive down costs and innovate in service delivery.

» [FULL ARTICLE](#)

» [return to top](#)

STATE GOV: Reviewing the Past Year in State Privatization

Amid a slow economic recovery since the end of the Great Recession, states continue to advance privatization and public-private partnership initiatives, according to Reason Foundation's *Annual Privatization Report 2016*. The report reviews developments in privatization and public-private partnerships in state government over the past year, with topics that include the status of state budgets, the private sector's expanding role in higher education, and the privatization of state liquor stores.

» [FULL REPORT: State Government Privatization 2016](#)

» [Annual Privatization Report 2016 homepage](#)

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PENSIONS: CalPERS Lowers Investment Return Assumption

The board of the California Public Employees Retirement System (CalPERS) sent shockwaves through the Golden State last month when it approved lowering its investment returns assumption from 7.5% to 7.0% over the coming years, a move that revealed the pension plan is billions more in debt than was previously recognized. In the short term, this change is going to mean increased pension contributions for the state and most local governments, which could potentially impact taxpayers through service cuts or tax increases. But as Reason's Leonard Gilroy writes in a recent *Orange County Register* column, there is a definite silver lining for taxpayers in the long term.

» [FULL ARTICLE](#)

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ENERGY: CAFE Standards in Plain English

While the original Corporate Average Fuel Economy (CAFE) standards sought to drive automotive innovation to curtail fuel consumption, the purview of current standards has been expanded to address emissions of greenhouse gases. In the process, the standards have become increasingly complex. In a new issue explainer, Reason's Baruch Feigenbaum and Julian Morris describe in plain English the development of the CAFE standards and how they function. They find that as the standards become more complex and administratively burdensome, legitimate questions arise as to their suitability for achieving fuel efficiency and environmental objectives.

» [FULL EXPLAINER](#)

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NEWS & NOTES

GAO Releases First Federal Fiscal Health Report: This month, the Government Accountability Office (GAO) released *The Nation's Fiscal Health: Action Is Needed to Address the Federal Government's Fiscal Future*, the first of a series of annual reports directed to Congress that provides a trajectory of federal spending and its largest drivers—Medicare, Medicaid, Social Security, Interest on the federal Debt and Defense programs—using alternative budget simulation

forecasts from the GAO and Congressional Budget Office (CBO). For all of these major drivers of spending, the report paints a grim picture, with "Trust Funds" for Social Security Disability, Medicare Hospital Insurance, and Social Security Old-Age and Survivors Insurance depleted over the next 10 to 20 years, and debt-to-GDP levels reaching their previous high of 106% between 2031 and 2041, depending on the simulation. The report also outlines other drivers of spending and revenues resulting from tax code changes specific to the year, as well as other areas of focus and policy proposals to aid in bringing debt-to-GDP levels closer to their 44% average. The full report is [available here](#).

Utah State Auditor Evaluates Impact of Rising Teacher Pension Costs : A recent report by Utah's state auditor outlined the severity of unfunded liabilities affecting the state's teacher pensions. While the required employer pension contributions rose sharply from 2008 to 2015 (nearly doubling from 12.72% of payroll to 22.19%), nearly half of those contributions are due to unfunded pension liabilities, a figure reaching \$204 million in 2015. The report notes that if the pensions were fully funded, the money currently dedicated to amortizing unfunded liabilities could be used to increase teacher pay by 14%, to double the amount of teacher aides, or to operate an additional 40 elementary schools. The full report is [available here](#).

Pew Releases Municipal Fiscal Landscape Report: In December, the Pew Charitable Trusts released the latest edition of its *Fiscal Landscape of Large U.S. Cities*. The two biggest sources cited for falling revenues in cities were property taxes—which grew for the sample of cities, on average, for the first time since 2009—and declines of intergovernmental transfers. On average, spending in the cities remains 1% below pre-recession levels. Average sales taxes grew 8.6%, the highest rate recorded by Pew since starting the report in 2007. Ranges of "Rainy Day funds" varied from 1% (Kansas City) to 28% (Boston), while averaging 22% across the sample. New debt issuances reached a five-year high for the group, with Chicago accounting for 22% of all new issuances. The full report is [available here](#).

Maine Privatizes Welfare-to-Work Program: Maine's Department of Health and Human Services (HHS) agreed to a four-year deal potentially worth \$62 million with New York-based nonprofit FedCap, to run the state's welfare-to-work program (previously known as ASPIRE). The contract is largely incentive-based, tying FedCap's pay to the performance of the nonprofit in placing the state's welfare recipients into jobs. As reported in the September 2016 edition of this newsletter, Maine looked to privatize ASPIRE after poor performance under state

operation led to a \$29 million fine from the federal government. More information is [available here](#).

PPP Ports of Entry Legislation Signed By President Obama: U.S. Rep. Henry Cuellar (D) and Senator Jeff Cornyn (R), both of Texas, introduced legislation allowing greater use of public-private partnerships at U.S. ports of entry as a means to improve efficiency and wait times while minimizing further taxpayer risk. Rep. Cuellar's House version was signed into law by President Obama on December 16th after passing votes in both chambers earlier in the month. The legislation allows the Commissioner on U.S. Customs and Border Protection to enter into contracts with individuals to provide customs, agricultural processing, border security and inspection services. More information is available [here](#) and [here](#).

Connecticut Nonprofits Cite \$1.3 Billion in Savings From Privatization: The Connecticut Community Nonprofit Alliance, a coalition of private nonprofit human service providers in the state, released figures in January claiming \$1.3 billion in savings over the next five years from privatizing many government services in the state, [according to the Connecticut Post](#). Mental health, substance abuse programs and programs for people with developmental disabilities provide the main areas of focus. The state faces a \$1.3 billion shortfall over the next fiscal year, which begins this July.

RFPs Issued for Fargo Moorhead Diversion Project: The Fargo Moorhead Area Diversion Project's Board of Authority sent out a request for proposals to four short-listed consortiums that responded to an earlier request for information—Lake Agassiz Partners (Meridiam/Walsh/AECOM), Red River Valley Partners (Fluor/Plenary/Ames/Barnard), Red River Valley Alliance (Acciona/InfraRed/North American Enterprises/Shikun & Binui), and Red River Partners (Graham/Parsons/Alberici/BBGI). As reported in the [August 2016 edition](#) of this newsletter, the \$1.8 billion diversion project—a joint effort between the Army Corps of Engineers and the states of North Dakota and Minnesota to control flooding on the Red River—involves two major components: the construction of a dam, to be handled by the Army Corps of Engineers, and a privately financed and constructed, 1,500 foot-wide diversion channel, which would be paid back over time by the states of North Dakota and Minnesota. The consortia face a fall 2017 deadline for submitting their proposals. More information is [available here](#).

New Ohio Law Allows Private Prisons to House State Inmates: Ohio [House Bill 185](#)—originally intended to modify the state's definition of arson, but ultimately modified to include language allowing Ohio state prisoners to be housed in

private prisons—passed the Senate in December and was subsequently signed by Gov. John Kasich. The bill passed the House early in 2016. In March 2015, the federal Bureau of Prisons chose not to renew a contract at a CoreCivic-operated private prison in Youngstown, a facility that supporters of the bill hope to utilize to help overcome the state's prison overcrowding problems. Ohio prisons are operating at 132% of capacity, according to inmate population figures released by the state's Correctional Institution Inspection Committee this May.

MBTA Agrees to New Union Deal, Halting Some Privatization Plans: The Massachusetts Bay Transportation Authority (MBTA) has agreed to the terms of a \$1.5 billion contract with the Carmen's Union Local 589, which represents 6,000 MBTA employees, including many in areas that had been considered for privatization, such as bus drivers and maintenance workers, as recent editions of this newsletter have reported. The deal does not affect cash counting, which Brinks recently took over, and MBTA still could pursue privatization in other areas, such as fare collection, maintenance, warehouse operations and expanded service hours. More information is available here.

NIGP Releases PPP Procurement Guidelines: In November, the National Institute for Government Purchasing (NIGP), a professional organization representing over 15,000 government procurement professionals in North America and abroad, released its guidelines for public procurement through public-private partnerships (PPP). The guidelines rest on 10 elements that guide the entire PPP process, from establishing principles for PPP use and feasibility to negotiation and contract administration. The guidelines are available here.

Tennessee Issues RFP for State Park Facilities: Last month, the Tennessee Department of Environment and Conservation issued a request for proposals seeking private partners to demolish, rebuild and ultimately manage an inn, restaurant and conference center at Fall Creek Falls, the most-visited of all Tennessee state parks. Officials hope that demolition on the estimated \$22 million project can begin late next year, with a target completion date sometime in 2020. More information is available here.

Mass. Supreme Judicial Court Affirms Mental Health Privatization Plan: Last month, Massachusetts' highest court affirmed the State Auditor's approval of privatizing government mental health services in the southeastern portion of the state, citing \$7 million in savings. The local SEIU chapter filed suit to stop the proposal, but the Supreme Judicial Court found that the proposal "comports with the requirements of the Pacheco Law," a longstanding law placing several

procedural hurdles before implementation of state privatization initiatives can proceed. More information is [available here](#).

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QUOTABLE QUOTES

"The Congress and incoming Administration face serious economic, security, and social challenges that will require difficult policy choices in the short term about the level of federal spending and investments as well as ways to obtain needed resources. They also face a government heavily leveraged in debt by historic norms and on an unsustainable long-term path. Decisions over the near term to enhance economic growth and address national policies need to be accompanied by a fiscal plan to put the national government on a more long-term sustainable path. I hope GAO's findings will serve to sound the alarm and spur a longer-term approach to help turn things around."

—Gene Dodaro, Comptroller General of the U.S., "[Press Release: GAO Issues First Annual Report on the Federal Government's Fiscal Health](#)," Government Accountability Office, January 17, 2017.

"We're in an environment where everyone is starting to think about the next downturn and what that's going to look like. A stress test is a tool for states to think about what types of programs they should commit to and how much to save now."

—Moody's Investors Service analyst Emily Raimos, cited in Liz Farmer, "[To Prepare for the Next Recession, States Take Stress Tests](#)", *Governing*, December 12, 2016.

"By definition and design, the A-76 process seeks to compare the costs of public sector versus private sector performance for essentially the same work performed in essentially the same way. Innovation occasionally found its way into the process, but generally only inasmuch as it supported the same operational approach. Yet, today, more so than at any time in the past, there is an opportunity to fundamentally change how work is done at almost every level to improve performance and cut costs. But that opportunity hinges on an organization's

ability to change and evolve, often by adopting new, digitally-driven models."

—Stan Soloway, "[It's Time to Bury A-76-It Worked Once, But Its Day Is Past](#)," *Government Executive*, January 4, 2017.

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Additional Resources:

- [Reason Foundation privatization research archive](#)
 - [Annual Privatization Report 2016 homepage](#)
 - [Innovators in Action homepage](#)
 - [Privatization & Government Reform Newsletter archive](#)
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Friday, August 25, 2017



TOP NEWS

Anti-Trump Website Host Ordered To Give DOJ Protester Info

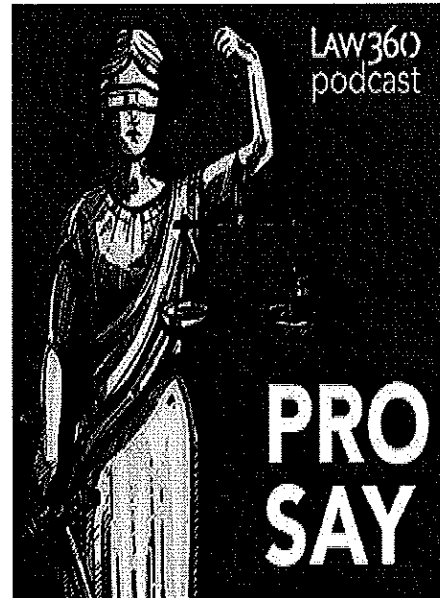
A D.C. judge ordered internet hosting service DreamHost Inc. on Thursday to comply with a federal search warrant seeking data from a website that organized anti-Trump protests during this year's presidential inauguration, though the judge agreed to supervise the process amid First Amendment concerns. [Read more »](#)

Mass. 1st Amendment Row Over Anti-SLAPP Law Might Settle

The parties in a suit that could have reshaped First Amendment rights in Massachusetts said in a filing Wednesday that they're close to settling the dispute over alleged defamation linked to architectural renderings of a dream home. [Read more »](#)

Texas Judge Denies NAACP Bid To Intervene In EEOC Case

A Texas federal judge on Wednesday denied a bid by the NAACP Legal Defense Fund and other groups to intervene in the state's challenge of U.S. Equal Employment Opportunity Commission guidance on the use of criminal background checks in hiring, rejecting their claim that the Trump



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LAW FIRMS

Akin Gump
Arnold & Porter Kaye Scholer
Ashurst LLP
Baker Botts
Berkey Williams
Bradley Arant
Cadwalader Wickersham
Casellas Alcover

administration would cede the case. Read more »

Analysis

DC Circ. Ruling Sets Stage For Longer, Costlier FERC Reviews

The D.C. Circuit's recent ruling that the Federal Energy Regulatory Commission should have analyzed downstream greenhouse gas emission impacts before approving a natural gas pipeline to Florida will force the agency to more fully address climate change in future project reviews, making the approval process longer and more expensive for developers, experts say. Read more »

CBO Stresses Its 'Culture Of Objectivity' On ACA Repeal

The Congressional Budget Office on Thursday pushed back against questions about its objectivity on Affordable Care Act repeal efforts, releasing an unusual letter to a Republican congressman who has criticized the nonpartisan agency. Read more »

Fried Frank Partner Tapped As New DOJ Antitrust Deputy

The U.S. Department of Justice has brought in another deputy assistant attorney general for its Antitrust Division, with the agency on Thursday confirming the addition of former Fried Frank Harris Shriver & Jacobson LLP partner and Federal Trade Commission veteran Bernard A. Nigro to its ranks. Read more »

ENERGY & ENVIRONMENTAL

DOE Electricity Grid Study Points To Impact Of Gas On Coal

A politically charged report on the nation's power grid reliability published by the Department of Energy late Wednesday found that natural gas has been the driving factor in

Chaffe McCall
Cleary Gottlieb
Cohen Milstein
Covington & Burling
Cravath Swaine
Davis Polk
Day Pitney
Drinker Biddle
Earthjustice
Fox Rothschild
Freshfields
Fried Frank
Hogan Lovells
Holland & Hart
Irwin Fritchie
K&L Gates
Keker Van Nest & Peters
Keogh Law Ltd.
Kilpatrick Townsend
King & Spalding
Kirkland & Ellis
Labaton Sucharow
Levy Ratner
Lewis Brisbois
Linklaters
Littler Mendelson
Ludwig & Robinson
McGuireWoods
Mitchell Williams
Morgan Lewis
Murray & Murray
Paul Hastings
Paul Weiss
Pepper Hamilton
Pillsbury Winthrop
Polsinelli
Potter Anderson
Proskauer Rose

pushing nuclear and coal plants toward retirement. [Read more »](#)

BLM To Fix 'Narrow Deficiencies' In Water Project Approval

A federal judge on Wednesday concluded that the U.S. Bureau of Land Management mostly fulfilled its duties in deciding to allow the Southern Nevada Water Authority to build the first phase of a water redistribution pipeline project meant to transport millions of gallons of water across the state, but he told the agency to fix some "narrow deficiencies." [Read more »](#)

Summit Sues Feds For Defunding Clean Energy Project

Summit Texas Clean Energy LLC hit the federal government with a suit on Wednesday alleging the U.S. Department of Energy breached an implied duty of good faith when it publicly withdrew its support for the company's project designed to capture and store carbon dioxide. [Read more »](#)

Fisheries Service Gets Quick Win In Reporting Methods Fight

A D.C. federal judge on Thursday handed a quick win to the National Marine Fisheries Service in a suit challenging its bycatch reporting methodology, ruling that the service has established sufficient standardized methods that meet the requirements of the Magnuson-Stevens Act. [Read more »](#)

MEDIA & ENTERTAINMENT

New Jersey Joins List Of States With Fantasy Sports Laws

New Jersey became the latest state to legalize daily fantasy sports games like those run by FanDuel and DraftKings after Gov. Chris Christie on Thursday signed a bill expressly legalizing and regulating the games in the state. [Read more »](#)

EMPLOYMENT

Quinn Emanuel
Saul Ewing
Scott D. Owens Law Firm
Shapiro Arato
Shearman & Sterling
Shook Hardy
Sidley Austin
Slaughter and May
Steptoe & Johnson LLP
Sullivan & Cromwell
Tucker Ellis
Venable LLP
Vinson & Elkins
Watkins & Eager
Weil Gotshal
Willkie Farr

COMPANIES

Amazon.com Inc.
American Bar Association
American Federation of Labor and Congress of Industrial Organizations
Assured Guaranty Ltd.
Babcock & Wilcox Co.
Barclays Capital Inc.
Bayer AG
Center for Biological Diversity Inc.
Colfax Corporation
DraftKings Inc.
Facebook
FanDuel Inc.
Goldman Sachs Group Inc.
Gulf Oil Limited Partnership
Johnson & Johnson
Kaspersky Lab Ltd.
LinkedIn Corp.
Los Angeles Lakers
Media General Inc.

SEIU, Fight For \$15 Launching Campaign For Pro-Worker Pols

Members of the Service Employees International Union and Fight for \$15 will campaign to unseat battleground-state politicians who have opposed minimum wage increases and union rights starting Labor Day, the groups said Thursday. [Read more »](#)

AFL-CIO Demands US Action On Mauritania Labor Policies

The AFL-CIO on Wednesday pressured the Trump administration to consider removing Mauritania from a key trade preference program, citing the "widespread" existence of slave and child labor in the West African nation. [Read more »](#)

PRIVACY & CYBERSECURITY

White House Advisory Group Urges Action On Cyberthreats

A White House advisory group issued a warning on the readiness of U.S. cybersecurity infrastructure to handle aggressive cyberattacks, finding that the country is currently in a pre-9/11 situation when it comes to the threat of a massive cyberattack, but the opportunity to prevent such an incident does exist. [Read more »](#)

AEROSPACE & DEFENSE

McCaskill Wants DOD To Explain Improper Payment Program

Sen. Claire McCaskill, D-Mo., asked the U.S. Department of Defense on Wednesday to explain its efforts to track and cut down on improper payments, citing a recent watchdog report claiming the DOD had failed to follow related statutory requirements. [Read more »](#)

BANKRUPTCY

NAACP Legal Defense and Educational Fund Inc.
National Employment Law Project
National Milk Producers Federation
National Rifle Association of America
National Right to Work Legal Defense Foundation
Natural Resources Defense Council
New York Times Co.
Nexstar Broadcasting Group, Inc.
Oceana Inc.
Reckitt Benckiser Group PLC
S&P Global Inc.
S.A.C. Capital Advisors LP
SNL Financial LC
Service Employees International Union
Sierra Club
Skype Technologies SA
Southern Poverty Law Center
Spokeo Inc.
Summit Power Group LLC
Trader Joe's Co.
WhiteWave Foods Co.
Whole Foods Market, Inc.
YouTube Inc.

GOVERNMENT AGENCIES

Bureau of Labor Statistics
Bureau of Land Management
Cherokee Nation
Commodity Futures Trading Commission
Congressional Budget Office
Consumer Financial Protection Bureau
Department of Commerce

Puerto Rico Creditors Want In On \$6.2B Adversary Suit

Unsecured creditors blasted a decision by the judge overseeing Puerto Rico's ongoing restructuring that bars them from appearing in a bond insurer suit over the island's fiscal plan, telling the First Circuit on appeal that the judge clearly erred by boxing them out of such a crucial adversary proceeding. [Read more »](#)

IMMIGRATION

Border Patrol Policy Didn't Target Hispanics, 6th Circ. Says

A Sixth Circuit panel found Thursday that the U.S. Border Patrol's Sandusky Bay Station in Ohio did not exhibit a policy of allowing its agents to target individuals of Hispanic appearance, reasoning that there was no evidence of such a policy and affirming an Ohio federal court's decision in a suit brought by two migrant farmworkers organizations. [Read more »](#)

NATIVE AMERICAN

Tribe Pushes To Revive Suit Over Calif. Gov. Casino OK

The United Auburn Indian Community continued Wednesday to press the California Supreme Court to revive its lawsuit challenging Gov. Jerry Brown's role in greenlighting another tribe's competing off-reservation casino project, calling his arguments that he had not exceeded his authority or violated the separation of powers among government branches "off the mark." [Read more »](#)

EXPERT ANALYSIS

Dairy Vs. Plant-Based 'Milks': A Regulatory Standoff

Sales of nondairy milk alternatives are flourishing, but the dairy industry charges the U.S. Food and Drug Administration with failing to enforce its own labeling regulations

Enterprise Rancheria of Maidu Indians
Equal Employment Opportunity Commission
European Union
Federal Deposit Insurance Corp.
Federal Energy Regulatory Commission
Federal Reserve System
Federal Trade Commission
Financial Crimes Enforcement Network
Financial Stability Oversight Council
Food and Drug Administration
National Institute of Standards and Technology
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
National Security Council
New York State Department of Financial Services
North Fork Rancheria of Mono Indians
Nuclear Regulatory Commission
Office of the Comptroller of the Currency
Office of the U.S. Trade Representative
Securities and Exchange Commission
Southern Nevada Water Authority
U.S. Attorney's Office
U.S. Department of Agriculture
U.S. Department of Defense
U.S. Department of Defense Office of Inspector General
U.S. Department of Energy
U.S. Department of Homeland Security

regarding the definition of "milk." The longer terms like soy milk, almond milk and coconut milk remain in use, the stronger the argument for their continued use to describe these products, say attorneys with Shook Hardy & Bacon LLP. [Read more »](#)

Real Estate Industry In Anti-Money Laundering Crosshairs

An advisory issued this week by the Financial Crimes Enforcement Network offers glimpses into FinCEN's strategy to combat money laundering in the residential real estate sector — a strategy that may have significant adverse implications for U.S. real estate lawyers, says Kevin Shepherd of Venable LLP. [Read more »](#)

CFPB Arbitration Rule: What To Know And How To Plan

Unless Congress invalidates the Consumer Financial Protection Bureau's recently announced arbitration rule through use of the Congressional Review Act or other (more protracted) means, the rule will become effective Sept. 18. Attorneys with Hogan Lovells examine what this means for covered financial institutions and what they should do now. [Read more »](#)

NY Regulations Set The Bar High For Cybersecurity Standards

New York's cybersecurity regulations take effect on Aug. 28, marking a significant milestone in what is likely to be a new era in cybersecurity regulation on both a national and international level. The regulations are already playing a role in setting expectations for best practices across the financial services industry, say attorneys with Cleary Gottlieb Steen & Hamilton LLP. [Read more »](#)

What's Changed Under Delaware's New Data Breach Law

For the first time in 12 years, Delaware has updated its data breach disclosure law, joining a small but growing number of states that impose data security requirements on persons

U.S. Department of Justice
U.S. Department of State
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. House of Representatives
U.S. Senate
U.S. Supreme Court
United Auburn Indian Community
United Nations

conducting business in the state and owning, licensing or maintaining personal information of residents, says William Denny of Potter Anderson & Corroon LLP. [Read more »](#)

Heller Sequels And 2nd Amendment, Still Undecided: Part 3

In the final installment of this three-part series, attorney Robert W. Ludwig concludes his deep dive into the controversial history of Second Amendment jurisprudence. [Read more »](#)

Opinion

Cobell Buy-Back Must Advance Indian Country Interests

The Cobell buy-back program is the result of a settlement, and its implementation should be focused on how best to serve the plaintiff class and the communities from which they come. Because the Trump administration's July 28 announcement is a dramatic departure from this approach, it should be reconsidered, says Keith Harper of Kilpatrick Townsend & Stockton LLP. [Read more »](#)

LEGAL INDUSTRY

Analysis

4 Tips For Creating A Successful Law Firm Podcast

As podcasts grow in popularity, BigLaw is capitalizing on the trend, with new shows created by law firms popping up regularly — but not all of them are created equal. Here, experts offer four tips for creating a killer podcast. [Read more »](#)

Freshfields Won't Increase Associate Pay Bands This Year

Freshfields Bruckhaus Deringer LLP decided not to raise the pay bands for its trainees and young associates in London for this year, with newly qualified attorneys continuing to earn £85,000 after a £17,500 increase last year, the firm confirmed to Law360 on Thursday. [Read more »](#)

Law360's Weekly Verdict: Legal Lions & Lambs

Amazon won approval Wednesday for its planned \$13.7 billion acquisition of Whole Foods, earning the retail giant's attorneys at Sullivan & Cromwell LLP and Covington & Burling LLP a spot on this week's legal lions list, while a \$417 million jury verdict against Johnson & Johnson over a link between the company's talcum powder and cancer landed its counsel at Tucker Ellis LLP, Sidley Austin LLP, Proskauer Rose LLP and Shook Hardy & Bacon LLP among this week's legal lambs. Read more [1/2 B](#)

JOBS

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Law360 | Portfolio Media, Inc, 111 West 19th Street, 5th Floor, New York, NY 10011

From: Munsup @SISCOM Seoh
Sent: Wednesday, September 27, 2017 12:32 AM
To: munsup@mpen-ohio.net
Subject: [mpen-cleveland] FW: "Zombie is dead now" & "No war with North Korea" & "Hearing on bills to protect Special Prosecutor" and more
Attachments: message-footer.txt

FYI. Best, Munsup

P.S. Please reply back to me with 'unsubscribe' added to the subject line if you no longer want to receive my e-Newsletters. The convenient link to unsubscribe is no longer available due to security reasons to protect my email servers.

-
- FW: VICTORY! (Zombie Trumpcare is dead for now; we'll stay vigilant.)
 - FW: Victory over Trumpcare -- AGAIN!
 - FW: Trumplandia - Autumnal Equinox Edition
 - FW: "Sadly, North Korea's Pursuit of Nukes and ICBMs Makes Sense"
 - FW: Tell Congress to speak out: No war with North Korea
 - FW: Protest Etiquette; The Star Spangled Banner; Mike Tomlin; US Sports are on FIRE
 - FW: Stand with Black athletes
 - FW: Hearing on bills to protect Special Prosecutor today -- make a call!
 - FW: Noah's Ark
-

From: Ben, Manny, Iram, Anne, and the rest of the team, MoveOn.org Political Action

Subject: VICTORY! (Zombie Trumpcare is dead for now; we'll stay vigilant.)

Living in America in the Trump era feels like living in a horror movie. **But even in horror movies, the monster can be defeated.**

Today, Mitch McConnell and the Senate GOP conceded that they don't have the votes to pass the Graham-Cassidy bill, the latest and most deadly incarnation of Trumpcare.¹ Make no mistake: This victory was due to the the massive and relentless uprising by MoveOn members and our many allies across the country. Tens of millions of American families will be safer and healthier thanks to our collective efforts.

But horror movies have sequels, and monsters come back to life. This one's likely to be no different. Republicans failed at this particular attempt to repeal the Affordable Care Act, but they can still try again. The truth is that the danger of repeal won't fade until Republicans no longer control Congress and the White House. We can't let our guard down—and we have to keep the pressure on.

To make sure that you're ready for the next set of fights—on health care or whatever else comes our way—click here to sign up for text message updates from MoveOn.

(And if you're already signed up for text alerts—invite a friend to sign up through that link!)

While we can't rest in the long run, it's worth taking a moment to express gratitude.

Gratitude to the millions of people who made phone calls, protested at lawmakers' offices, donated and marched and spread the word—the millions of people who fueled this movement.

Gratitude to the people with disabilities who put their bodies on the line, protesting at the Senate hearing this Monday. Gratitude to the enormous, united coalition—Planned Parenthood and Indivisible, ADAPT and the Little Lobbyists, the SEIU and the Center for Popular Democracy, UltraViolet and so many other groups—plus every major health care organization and every single Democrat and Independent in Congress who redoubled their efforts every time Republicans came again for our health care.

Gratitude to Susan Collins and John McCain for doing the right thing. Gratitude to the Democratic and independent senators who said no to repeal again and again and didn't waver—and to the 16 senators who joined together to call for Medicare for All last week to push us toward a truly constructive conversation on how to strengthen health care for all Americans.

Our movement will never rest. Our movement will always #resist. Our movement will keep fighting for something better: for a health care system—and a country—that has a place of honor and dignity in it for everyone.

P.S. One communication channel has become increasingly vital in this fight: text messages. Many rapid-response protests and waves of phone calls have been organized primarily through MoveOn's text message platform. If you'd like to take your activism up a level and get occasional messages with urgent, breaking opportunities for action, just **click here to sign up for MoveOn text**

messages. (Already signed up for MoveOn text alerts? Forward this message to a friend invite a friend to sign up too!)

Source:

1. "Senate won't vote on GOP health care bill," CNN, September 26, 2017
<http://act.moveon.org/go/16329?t=16&akid=190503%2E1195276%2EDmduwi>

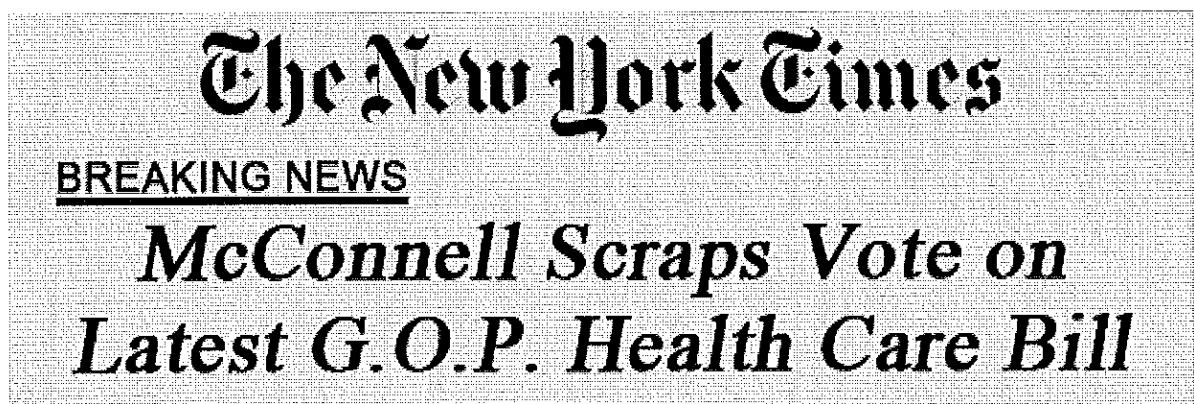
Want to support our work? The GOP attempt to rip coverage away from millions of Americans has once again crumbled in the face of furious opposition. But it's now clear that health care repeal will remain a threat until Republicans no longer control Congress and the White House. **Will you support our work to build an electoral landslide that destroys the GOP's political power in 2018, starting with the House of Representatives?**

Donate monthly or make a one-time gift

PAID FOR BY MOVEON.ORG POLITICAL ACTION, <http://pol.moveon.org/>. Not authorized by any candidate or candidate's committee.

From: O'Connell Katie; Digital Communications Coordinator, People For the American Way

Subject: Victory over Trumpcare -- AGAIN!



THANK YOU for the actions you took and the role you played in this amazing victory. Trumpcare has gone down in flames each time Trump and Congressional Republicans have tried to pass it because of powerful resistance from PFAW

members like you. This victory wouldn't have been possible without your time and effort -- signing petitions, making calls, turning out to events, and more.

We know Republicans won't give up -- on this or any of their other attacks on the American Way.

Please continue to speak out, stay vigilant, follow updates from PFAW, and support our work over the many important fights to come.

Follow Us on Facebook

Follow Us on Twitter

Make a Donation

From: Thomas Scott

Subject: Trumplandia - Autumnal Equinox Edition; Mark Godsey; Progressive Fight

- [Frank Rich: Donald Trump's 'Independence' Is a Complete Farce](#)
- [Failing Charter Schools Have a Reincarnation Plan — ProPublica](#)
- [Blaming 'Bad Dudes' Masks the Role of Women in the History of White Nationalism](#)
- [take a knee](#)
- [Trump Goes After NFL Players Harder Than White Supremacists or Putin](#)

<http://www.salon.com/2017/09/24/mark-godsey-is-an-american-superhero-he-gets-innocent-people-out-of-prison/>

Mark Godsey is an American superhero: He gets innocent people out of prison

Onetime = 2prosecutor's prosecutor" on his conversion experience, and how he became a crusader for the voiceless

<http://www.salon.com/2017/09/24/addressing-racism-and-white-supremacy-cant-be-a-losing-fight-for-progressives/>

Addressing white supremacy can't be a losing fight for progressives

It's time to be intentional about fighting against all forms of inequality in our country

DIALLO BROOKS09.24.2017•8:00 AM

"NOW OUR STRUGGLE IS FOR GENUINE EQUALITY, WHICH MEANS ECONOMIC EQUALITY. FOR WE KNOW NOW, THAT IT ISN'T ENOUGH TO INTEGRATE LUNCH COUNTERS. WHAT DOES IT PROFIT A MAN TO BE ABLE TO EAT AT AN INTEGRATED LUNCH COUNTER IF HE DOESN'T HAVE ENOUGH MONEY TO BUY A HAMBURGER...WHAT DOES IT PROFIT ONE TO BE ABLE TO ATTEND AN INTEGRATED SCHOOL, WHEN HE DOESN'T EARN ENOUGH MONEY TO BUY HIS CHILDREN SCHOOL CLOTHES?" — DR. MARTIN LUTHER KING JR.

Subject: US Sports are on FIRE

So far as I can tell, all the ass't coaches named in the investigation are black.

- What you need to know about the FBI's NCAA basketball investigation
- Opinion | Eric Reid: Why Colin Kaepernick and I Decided to Take a Knee
- Black Lives or Bottom Line? Activists Ask What N.F.L. Protests Are All About

From: Judy Burnette

Subject: "Sadly, North Korea's Pursuit of Nukes and ICBMs Makes Sense" — WhoWhatWhy

[Damn straight!!]

<https://whowhatwhy.org/2017/09/24/sadly-north-koreas-pursuit-nukes-icbms-makes-sense/>

From: Benjamin Armbruster

Subject: Tell Congress to speak out: No war with North Korea

Donald Trump is recklessly tweeting the United States toward a catastrophic war with North Korea.

This isn't a joke and it's not hyperbole.

With each rogue speech or unhinged tweet Trump makes about blowing up the reclusive regime, North Korean officials fire back with greater intensity. Just yesterday, following the flight of U.S. bombers near North Korea, their foreign minister threatened to shoot down American warplanes.

We need to take a giant step back from the brink of nuclear war. Write to your Members of Congress and demand that they speak out against war with North Korea.

Experts from across the political spectrum are becoming increasingly worried that the United States is headed toward an entirely preventable war on the Korean peninsula. This is precisely the situation former U.S. Defense Secretary William Perry was warning about when he said, "[t]he danger is that we would blunder in a nuclear war by ... a conventional

military conflict and a conventional war escalating into that.”

Think about that: **We’re racing towards nuclear war.**

It’s clear that Donald Trump thinks he can “win” this crisis by making one threat after another, but so far, his actions are only making a bad situation dramatically worse.

Thankfully, Donald Trump isn’t the only elected leader we have. We need Congress to speak up and immediately work towards a diplomatic intervention that would ease tensions with North Korea, begin talks to find an actual solution to the crisis, and speak out against Trump’s reckless rhetoric that’s driving us to war.

Email your Representative and Senator today and ask them to promote diplomacy with North Korea.

We’ve got our work cut out for us. Some members of Congress are defending Trump’s dangerous behavior while others are openly calling on the United States to attack North Korea without provocation.

Experts warn it’s possible that the North Koreans view Trump’s bluster as a precursor to a U.S.-led attack, provoking them to strike first. In fact, the North Korean foreign minister said as much yesterday, calling Trump’s speech at the United Nations, “a declaration of war.”

We are in a very dangerous situation and we cannot let Trump’s warmongering go unanswered.

Please take a few minutes to email your members of Congress and ask them to denounce Trump’s reckless rhetoric.

P.S. Hurricane Maria became yet the latest hurricane to ravage the Atlantic recently, devastating our brothers and sisters in Puerto Rico particularly hard. Please consider supporting the Hurricane Maria Community Relief Fund by clicking [here](#) to make a donation today. Every dollar raised will go towards immediate relief, recovery, and equitable rebuilding in Puerto Rico for frontline communities hit hardest by the storm. **Donate**

From: Thomas Scott

Subject: Protest Etiquette; The Star Spangled Banner; Mike Tomlin

'The Star-Spangled Banner' and Slavery

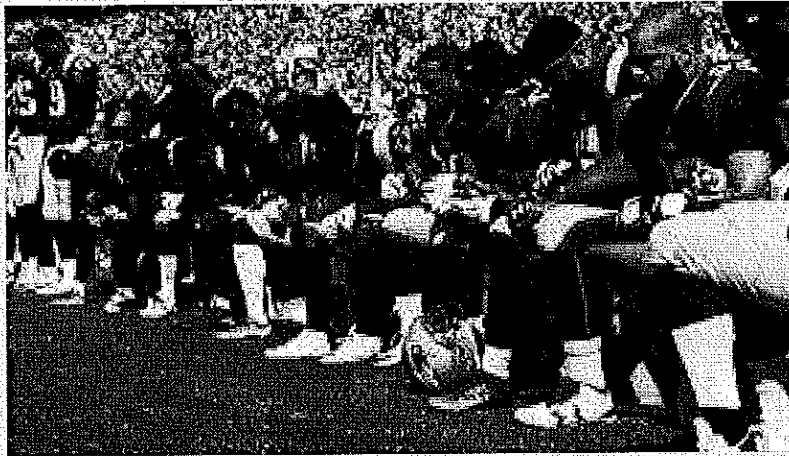
Star-Spangled Bigotry: The Hidden Racist History of the National Anthem

Pennsylvania fire chief calls Steelers coach Mike Tomlin a ‘no-good n*gger’ over NFL protests

How to Protest Without Offending White People

From: Brandi Collins, Color Of Change

**Black NFL players peacefully protested racial inequality,
Trump called them "sons of bitches."**



**Tell the NFL: Support the players' platform for racial
equality and Unity Month**

TAKE ACTION

Subject: Stand with Black athletes

Once again, 45 has proven that Black people are nothing more than property to him. In response, athletes and individuals around the league and our country united to fight back. **Now, we're calling on owners to reject Trump's words by doing more than linking arms with players but actually working to protect their safety, rights, and freedoms both on and off the field.**

Tell the NFL: Support Player's Platform & Plan for Racial Equality

On Friday night in Alabama, Donald Trump reaffirmed his disdain for Black people by referring to any NFL player who peacefully protests racial inequality during the pregame national anthem as a **"son of a bitch"** who should be forced off the field. During his rambling speech, Trump also took the time to criticize the NFL for implementing rules to promote player safety because those efforts impact his personal entertainment. This came about a week after Trump went after sports journalist Jemele Hill and tried to publicly strongarm ESPN into firing her for comments made on her personal social media.

Perhaps he was feeling emboldened by NFL buddies like Dan Snyder (Washington), Shad Khan (Jaguars), Bob McNair (Texans), Robert Kraft (Patriots), Woody Johnson (Jets) and Stan Kroenke (Rams), all of whom each contributed \$1 Million to his inauguration. Kraft even gave him a Super Bowl ring. Or perhaps he had the consent of the league itself, as their marketing department contributed \$100,000. Either way, **Trump feels way too comfortable demanding the NFL be nothing more than a league of modern day gladiators whose sole purpose is to destroy their bodies for entertainment.** Now it's time for Commissioner Roger Goodell and NFL owners to choose which side they're on.

The NFL can't have it both ways: either support the people who are the reason the league exists or continue to cower to a bigot.

Earlier this year, a group of players and a former player, Malcolm Jenkins, Michael Bennett, Torrey Smith and Anquan Boldin, met with Goodell and NFL officers to discuss the Player's Coalition's activism in their local communities. They delivered a recently publicized memo calling on the NFL to declare November a month of social activism to advance racial justice causes, including criminal justice reform, to elevate the issue in the same way the NFL does with Breast Cancer Awareness Month in October. The request is detailed and includes an ask for **owners and league officials to attend player-led visits to local prisons and meetings with formerly incarcerated people and their family.** It also makes clear that the request is not for permission but financial support and genuine collaboration.

Demand the NFL listen to players and designate November an official month for racial justice activism.

After Trump's Friday night tirade, several NFL owners rushed to release statements condemning his words.¹ **But we need action- not more words.** To this day Colin Kaepernick remains blackballed by league owners, despite public acknowledgment from elite quarterbacks around the league from Cam Newton to Tom Brady that Kaepernick is more talented than numerous QBs who have jobs today. Equivocation and calls for unity from the league are no longer acceptable.

Now that several NFL owners claim to support of their players' rights, it is time for Commissioner Goodell to declare November a "month of unity." **NFL rosters are 70% black, and the league owes it to its players to recognize the heroes who have stood up to racial intolerance in America.**² Soccer leagues around the world are working to stand up to racism;³ it is past time for the NFL to do the same. As DeMaurice Smith, the president of the players' union, said on Saturday, **"We will never back down. We no longer can afford to stick to sports."**⁴

Tell the NFL: Support Player's Platform & Plan for Racial Equality

References:

1. "NFL Owners Are Closing Ranks Against Trump — Here's What They're Saying," Fortune, 24 September 2017.
<http://act.colorofchange.org/go/9019?t=10&akid=7939%2E239715%2EGG9J4j>
2. "White House doubles down on ESPN attacks, cites previous 'suspension' as reason Jemele Hill should be fired," The Undeclared, 26 April 2017.
<https://act.colorofchange.org/go/9020?t=12&akid=7939%2E239715%2EGG9J4j>
3. "FIFA is finally stepping up its anti-racism measures in soccer," Quartz, 15 June 2017.
<https://act.colorofchange.org/go/9021?t=14&akid=7939%2E239715%2EGG9J4j>
4. DeMaurice Smith, 23 September 2017.
<https://act.colorofchange.org/go/9022?t=16&akid=7939%2E239715%2EGG9J4j>

Color Of Change is building a movement to elevate the voices of Black folks and our allies, and win real social and political change. **Help keep our movement strong.**

If you're absolutely sure you don't want to hear from Color Of Change again, [click here](#) to unsubscribe.

From: Katie O'Connell, Digital Communications Coordinator, People For the American Way

Subject: Hearing on bills to protect Special Prosecutor today -- make a call!

Senators are hearing testimony on two bills today that seek to protect Special Prosecutor Robert Mueller and his investigation from the wrath of Donald Trump. Each bill would use a different method but the result would be the same -- **Trump would not be able to fire Mueller easily, just because he is angry about the Russia investigation.**

You already let your senators know where you stand by signing a petition. Now, it's crucial that Senators hear from you, on the day of this hearing, that you support measures to protect Mueller from being fired by Trump.

Please call your Senators now and urge them to support legislation that would protect Special Prosecutor Mueller and his critical work from being derailed by Trump.

Mueller's investigation is getting deeper and deeper -- he's allegedly looking into Trump's financial history -- and it's incredibly important that Congress take action to

protect the investigation before it's too late.

Make a call now to let your Senators know that you care about the Mueller investigation and that it is crucial for it to be protected.

The Mueller investigation is one of the best chances to get to the bottom of the Trump campaign's potential collusion with Russia, and the best chance to make sure that there is accountability for any wrongdoing that occurred in the 2016 election.

As always -- thank you for taking the time to make calls about this critical issue.

P.S. We just published a piece about the importance of protecting the special counsel investigation -- **please take a moment to read it on our blog and then share it!**

From: David K. Greer
Subject: FW: Noah's ark



In the year 2017, the Lord came unto Noah,
who was now living in America and said:
"Once again, the earth has become wicked and over-
populated, and I see the end of all flesh before
me."
"Build another ark and save 2 of every living thing

along with a few good humans."

He gave Noah the blueprints, saying:

"You have 6 months to build the ark before I will start the unending rain for 40 days and 40 nights."



Six months later, the Lord looked down and saw
Noah

weeping in his yard - but no ark.

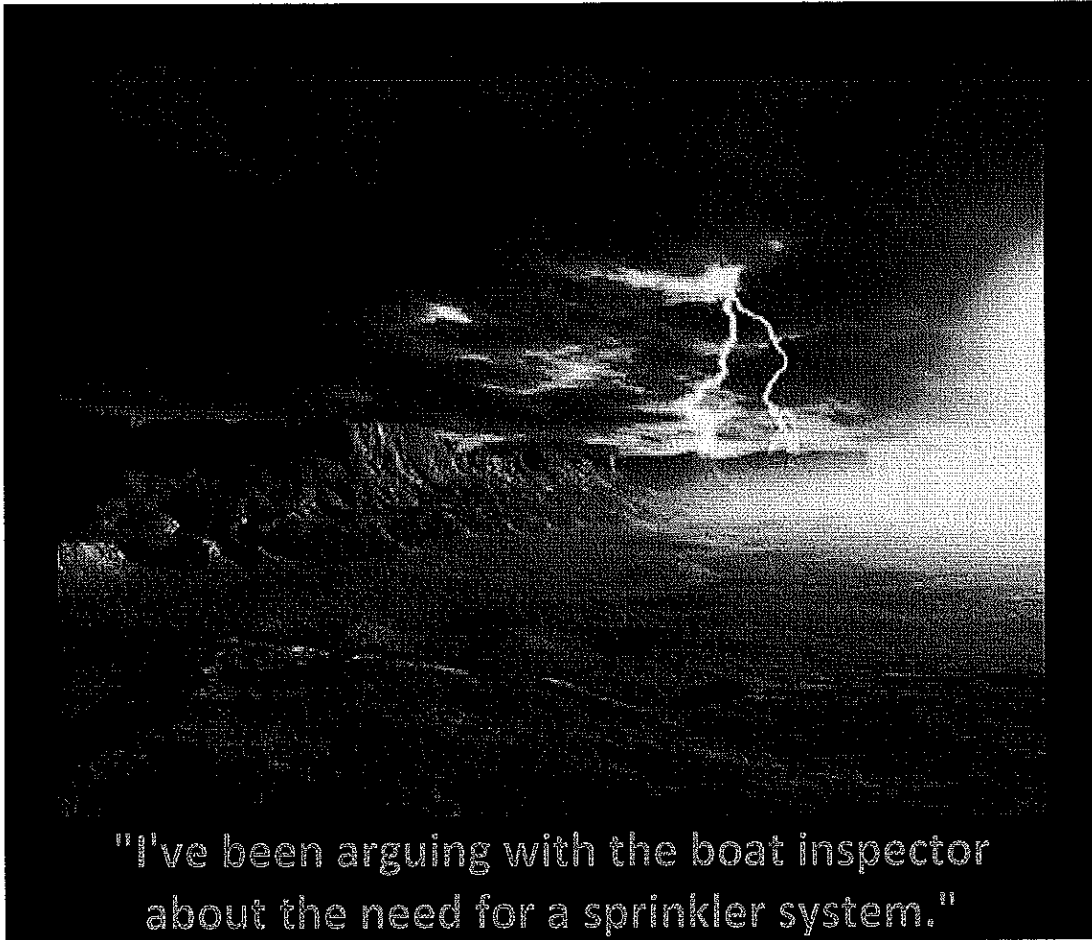
"Noah!," He roared, "I'm about to start the rain!"

Where is the ark?"



"Forgive me, Lord," begged Noah, "but things have
changed."

"I needed a building permit."



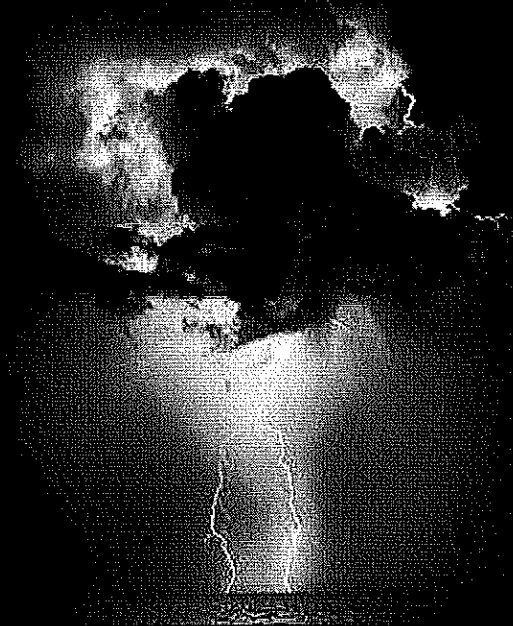
"I've been arguing with the boat inspector
about the need for a sprinkler system."



"My neighbors claim that I've violated the neighborhood by-laws by building the ark in my back yard and exceeding the height limitations. We had to go to the local Planning Committee for a decision."



"Then the local Council and the electric company
demanded
a shed load of money for the future costs of moving
power
lines and other overhead obstructions, to clear the
passage for the ark's move to the sea. I told them
that the sea would be coming to us, but they would
hear none of it."



"Getting the wood was another problem. There's a
ban
on cutting local trees in order to save the Greater
Spotted Barn Owl."

"I tried to convince the environmentalists that I
needed the wood to save the owls - but no go!"